

Closed Caption Log, Council Meeting, 09/22/11

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good morning. I'm austin mayor lee leffingwell. We'll begin this morning with the invocation from pastor lois hays, joshua chapel cme church. Please rise.

Good morning. Let us pray. Dear heavenly father, we come this morning with bowed heads and humble hearts asking that you will look down on the officials of austin. Lord, your word tells us to be subject to the governing authorities for there is no authority except for god. And those authorities that exist have been instituted by god. So we ask, lord, that you would give the city council wisdom and knowledge to lead the city in the way that you have them go. With be mayor leffingwell as he guides the councilmembers in matters that will be up lifting to all of your people. Hear our prayer, o lord, and grant us thy peace. In the name of jesus the christ we do pray. Amen and amen.

Mayor Leffingwell: Amen. Thank you, pastor. Please be seated. A quorum is present so I'll call this meeting of the austin city council to order on thursday, september 22, 2011 at 10:04 a.m. We're meeting in the council chambers, austin city hall, 301 west second street, austin, texas. We begin with the changes and corrections to today's agenda. First item number 2, add the phrase "recommended by the electric utility commission and the resource management " item number 6 is withdrawn. Item number 24 has the phrase "recommended by the public health and human services " on item number 31, add after the words "fiscal year 2000, 11, 2012, add the word budget. On item 4 add the phrase "funding is available in the fiscal year 2011-2012 budget at the liability reserve " item number 41, add the phrase "recommended by the urban " and item number 54, delete one -- 1,458 and insert the corrected figure 1,470. Item number 79 through 85, for information only, at the time certain, a postponement of those items, 79 through 85 will be requested. Time certain items for today, 30, the morning briefing is schedule odd the new central library schematic design. At 12 noon we'll have our general citizens communications. we'll call to -- we'll recess the austin city council meeting and call to order a meeting of the austin housing finance corporation board of directors. we'll take up our public hearings. 30 we'll have live music and proclamations. Proclamations the consent agenda agenda is items 1 through 54. We the council will continue to follow the policy we have outlined for the past two meetings pursuant to the existing ordinance, our interpretation being that speakers will be allowed to sign up on consent agenda items only, three items. That does not include items that have been pulled from the consent agenda by councilmembers. It does not include items 55 and above. If there is no objection --

mayor.

Mayor Leffingwell: Councilmember morrison.

Morrison: Our ordinance, our code says that a person other than a councilmember may not participate in removing more than three items from the consent agenda. So limiting someone to three items seems to be more restrictive than that. [Applause] because there could be cases where items are being pulled because other people have signed up to pull them.

Mayor Leffingwell: Well, there would still be -- unless a councilmember has pulled them, they would still

be pulled because of a participation. As a speaker.

Morrison: I guess I don't see it necessarily as that, to get technical. Two people could sign up on an item, another person having signed up on three, all those items, all four items get pulled and the first item they could speak on.

Mayor Leffingwell: What do you propose, councilmember? You obviously object --

Morrison: I'm concerned about the stricter implementation of the language so I would suggest that if a person is the reason that the -- if they are the only person, then they can -- then those items can only be pulled -- only three of those items can be pulled. Whereas if there are other people involved in signing up to speak, then their participation in that item wouldn't necessarily count.

Mayor Leffingwell: Well, I disagree with that interpretation. I would ask the city attorney.

Deborah thomas with the law department. Mayor and council, we have interpreted that if a person does sign up they basically have participated in pulling the item, having the item pulled from the consent agenda. That has been our position.

Morrison: Okay. So -- and even after it's pulled if they sign up that they participate in pulling it?

Would you say that again, please.

Morrison: So let's say it's pulled because two people signed up. Can they then go sign up -- can a person who has signed up for three other items then go sign up for that first item that was pulled because two other people pulled it?

I think they can still sign up. I think the provision that we are interpreting as if they are participating in pulling it, they have three of those in which they can speak on. There are freaky people who sign up and don't speak on the item. That's the way it has traditionally been interpreted by the city council and the law department is that if they are participating in -- and their name is on three that get pulled, they can competet on those three. It doesn't mean they can be signed up and shown in neutral or in favor. It doesn't prohibiting them from going outside and --

Morrison: Let's say another item is pulled because other people signed up. So it is pulled, so if they sign up again on that item, they didn't participate in removing it; it was already removed.

Correct, but if they've spoken -- if they've participated in pulling three, then they get to speak on three.

Morrison: But, okay, maybe we'll just need further discussion.

I think that's what we've been trying to do. I think deborah thomas from the law department has been working on something to clarify that. In doing our research we did talk to previous people in the department who had, you know, interpreted that provision and how -- we looked at how the council previously had interpreted that provision, different councils.

Morrison: Just one other comment. Speaking is different than participating in removing. So I guess I'll acquiesce here, but I would like to participate in some of the discussions because from my sense we're really filling out and changing the language so I'd like to talk with you more about our options.

Yes, councilmember. [Applause]

it is written in a very obtuse way.

Morrison: Agreed.

Mayor Leffingwell: Let me say, councilmember, I welcome your participation in that discussion and I think when you begin to address it, you will find it's a very complicated issue if you try to address in the space of about three seconds to determine what items are on the consent agenda and what items are not.

Morrison: I appreciate that and I also appreciate that there's a pragmatic aspect to this, you know, in terms of trying to balance, making sure we hear from the public, but also not necessarily spending, you know, allocating an hour to six individual people selectively. We need to find that balance.

Mayor Leffingwell: I welcome your efforts to work this out. [Applause]

Mayor Leffingwell: Are there any further -- if there are no objections, we'll continue as previously announced. So the consent agenda is items 1 through 54, and I will name the items pulled in a minute but first I will read our appointments for nominations and waivers for today. This item is item number 41. It will remain on the consent agenda, but I want to read the names into the record. [Reading appointments into record] those are our nominees for boards and commissions.

That was item 49 on the agenda.

Mayor Leffingwell: I thought I said that at the beginning. It is item 49. As I said, the consent agenda is items 1 through 54. The following items have been pulled from the consent agenda for discussion, item number 33 is pulled off consent by the staff. Item number 41 pulled by councilmember riley. And item 52 is pulled by councilmember morrison. Items pulled off the consent agenda due to speakers are items 2, 8, 19, 24 and 35. If the clerk would confirm those quickly. Those are good. Okay. So I'll entertain a motion to approve the consent agenda.

Mayor?

Mayor Leffingwell: Councilmember martinez.

Martinez: Can we pull item 30? We have an amendment to make on item 30. That will be a discussion item.

Mayor Leffingwell: All right. Add item number 30 pulled by councilmember.

Martinez: Is also pulled from the consent agenda. Any other items to be pulled by councilmembers? In that case I'll entertain a motion to approve the consent agenda. Councilman spelman moves approval. Seconded by councilmember tovo. All in favor say aye. Opposed say no. That pass on a vote of 7-0. Council, we have outside people here to testify on item number 33, which is our discussion on when to hold the 2012 election, so if there's no objection, we'll go first to that item. Are you ready for this, miss romero?

Council, sabina romero, assistant city attorney. Agenda item 33 is approval of either an ordinance authorizing a may 2012 general election date or a resolution authorizing a november 2012 general election date. As background, as you know, in the spring of even numbered years there are usually four elections, the primary, the primary runoff, the uniform election date which is city uses for council elections, and the uniform election date runoff. The city of austin often has an election in the spring of even numbered years because councilmembers have three-year terms and our elections are in may, including one currently to occur in may 2012. Travis county and williamson county have administered

those elections on our behalf. During this year's legislative session, legislature passed, sb-100, a bill intended to ensure that overseas voters have more time to mail in ballots for the primary and primary runoff. In the course of accommodating overseas voters, the legislature rearranged the election calendar in the spring of even numbered years. Sb 100 places both the uniform election date and the primary runoff in may just ten days apart. The legislature recognized the difficulties of having back-to-back elections, so in sb 100 they also relieved county administrators of the obligation to assist with the uniform election date so they could focus on that primary runoff and gave cities the option to move their elections from may to november by resolution. At your august 4 council meeting, staff discussed with you options for proceeding with the city general election scheduled for may 2012 or moving the general election to november 2012. At that meeting travis county confirmed that they would be able to assist us with a may 2012 election, but also encouraged us to move to november. Later that month williamson county also let us know that they would be able to assist us with the may 2012 election. There is a one-time additional cost for equipment associated with staying with the may election date to ensure that travis county has sufficient equipment to hold both may elections. At your august 25 council meeting staff brought to you the costs associated with proceeding with the city general election scheduled for may 2012 or moving the general election to november 2012. Today's agenda item allows you to either approve an ordinance authorizing a may 2012 general election date or approve a resolution authorizing a november 2012 general election date. The timing of this decision is two-fold. If council chooses to stay with may, the fundraising period will open november 14 and staff does need time to prepare for that. Also if council does choose may, the window to make a necessary additional machine purchase we understand closes OCTOBER 15th. If council does pass the ordinance related to may 2012, it will be on first reading. Staff, travis county clerk and outside counsel are present to answer any questions you might have.

Mayor Leffingwell: I just have one question. If the decision is made to have a may election for city council elections and/or other items, what is the likelihood that we would also have a november 2012 election?

That would be up to council. A may election does not preclude a november election.

Mayor Leffingwell: No, i mean for other items such as petition items.

If there is a charter amendment item on the may election ballot, then we would not be able to have charter amendment items on the november ballot. But, for example, finance issues or a petition brought --

Mayor Leffingwell: For example, a petition for civil service from e.m.s.

If we do an early major election, a november election is not precluded. They could do that.

Mayor Leffingwell: They could. And do you have an opinion on the likelihood of that? Because it's my understanding it's very likely that's what they would prefer is a november election.

I have been told that that is the preference of the parties who are interested in that item.

Mayor Leffingwell: So if the council elects to do this, to do may elections, we could possibly, likely, probably, choose your term, have elections in both may and november.

Yes.

Mayor Leffingwell: Okay. Councilmember riley.

Riley: Let me just ask you about senate bill 100. We've talked about that at some length. It was

originally introduced the senate bill did not include that language that authorized the city to move their elections to november even when their charter indicates a may. Have you looked at that the intent behind that provision when it was added? The one that said we could move it to november.

The legislative intent of sb 100 as applies to the city was to open a window for all political subdivisions to shift the date of may general elections away from the period between the primary and the primary runoff. That was integrated into the bill late as different versions were harmonized in conference committee.

Riley: What's the relation between that provision and the original [inaudible] related to military and overseas voters [inaudible].

The federal move act is designed to ensure that overseas voters have enough time between the primary and the primary runoff to receive their ballot, fill it out and return it and it can counted. So the need to move those two dates farther apart to allow 45 days for that transition of ballots prompted the movement of the dates in the spring of even-numbered years.

Riley: Even if the county is able to comply. So the idea is even if a county is able to comply with -- with the accommodating move and in a may election, [inaudible] was to give local authorities the discretion to move to november just for purposes of making elections flow more smoothly? Is that the idea?

Correct. Even if a county agrees to administer a may election as both of our election administrators have graciously agreed to do, there are still complications associated with the compact may calendar. And then there are fiscal ramifications for the city.

Riley: Okay. Thanks.

Mayor Leffingwell: Councilmember tovo.

Tovo: I have two questions. The fiscal note that we 177770, that includes the possibility that we would purchase an additional set of equipment. Is that correct?

That number is the total for both the mandatory purchase for the may date and what has been discussed as an optional purchase for the runoff that would be a purchase made to ensure the city against election contest complications. I believe the travis county clerk has provided some clarification on what she anticipates as the scenarios that may necessity that purchase.

Tovo: But we would have an option as a council to determine whether or not we wanted to go forward with that optional purchase at a later date if the ordinance -- if we did pass an ordinance to continue with the may 2012 election. Is that correct?

That's correct. Travis county clerk has only indicated that the purchase for the may 12 machines is mandatory and she has encouraged consideration of whether or not to make the additional purchase. The legal department has advised that the only risk-free option is to purchase the machines and the travis county clerk has balanced that with her personal expensive to but we would again have an option to reconsider if we voted to keep the elections in may 2012, we would -- this will be before us again determining whether or not to go forward with that purchase.

October 6, your next council meeting, if you choose may today, your october 6 agenda will include the item to purchase machines.

Tovo: Thank you. And one last question. In one of our earlier communications, I believe it was the august memo from -- from the county, it talked about -- it referred to the possibility of leasing equipment

and said it wasn't clear whether that would be an option or not. And I wanted to just touch base on whether there had been additional clarification especially since the machines would not be used indefinitely. It seems like leasing would be the cheesiest and most fiscally responsible option.

Thank you for yielding the floor, madame attorney. Mayor, members of council, dana debeauvoir. When we checked with the vendor for availability of equipment for lease, the answer was they did not think that they could meet our demand. And the reason why is because they believe they are going to be -- they are going to have to sell equipment to lots of other places around the state that are going through the same deliberations that you are going through. So they were very negative about the idea of them -- of the company having a availability to offer us equipment.

Tovo: Is there a possibility that another municipality that's not using -- that's not holding a may 2012 election might lease austin equipment? I think houston, we discussed earlier, houston uses the same equipment.

Yes, ma'am. Harris -- houston does hold its elections in november, but harris county has a robust may election calendar. Just because houston is not involved doesn't mean they don't do that. The answer is yes, it's possible we could look into borrowing some equipment, certainly in a worst case scenario. I think -- and certainly that is one of the things on my list of things I would go through to double-check long before we would consider purchasing an entire inventory. I do think, though, that there are other possibilities to exhaust first before we would look at borrowing. But the answer to your question is yes.

Tovo: Thank you.

Mayor Leffingwell: Councilman spelman.

Spelman: Dana, while you are here, you sent us a long memo explaining what I'm about to ask you but a lot of people haven't gotten the memo so explain it to people listening right now. For us if we were to purchase that full inventory of \$3 million of voting machines, under what circumstances would we need it?

All right. Could I ask you to put the calendar up, please? Thank you. I think a picture is worth 1,000 words. Here is your scenario, and if you can tell, the top color is green and then the middle color of the four colored boxes here is also green. That represents the democratic and republican primaries. So the partisan elections. You can easily see that those overlap with the pink color, which is the city of austin's election or rather the municipal, which will include more partners than you. In the pink boxes. What the scenario, the worst case scenario that you asked us to envision, and it is in an extreme world it could happen. What the possibility is is that there would be a contested action taken from this original primary election and then also a contested action taken in the original city election that would tie up both sets of equipment and then leave us unprepared to deal with the primary runoff as well as the city runoff. In that extreme kind of situation where we have a lockdown due to a combination of recounts and contests and other situations like that. Then all of our equipment gets tied up and we wouldn't have -- you know, available equipment to proceed. That -- that scenario is so extreme I didn't want you to think that you really had to make a decision based on something like that given the reality of what we do face. I think there are lots of ways we could handle that worst case scenario before we got to having to purchase an entire inventory. That to me just -- I didn't want to put you in that kind of a bind in your decision making. Your decision making is tough enough without adding that extra complication. Does that answer your question? I think we would ask the judges intervention, agreement from the parties, lots of things to do before we would get to that kind of an expenditure.

Spelman: I notice, for example, that there are -- it's almost two months between the day for the primary election and beginning of early voting for the city election. How long does it usually take for us to clear a contest -- first let me back up. How often often are elections contested and a locking up of the voting

machines ordered by a judge?

It does -- it hasn't happened even in the Neal Howard case, we did not have a lockdown situation requested by the parties. That is an option available by law, but they did not invoke it.

Spelman: Okay. So it's never happened.

Never happened.

Spelman: And the only circumstance where we've actually need to do buy a whole new set of voting machines is if that thing that's never happened happened twice in a row.

That's right.

Spelman: That seems sufficiently unlikely we don't have to spend time worrying bit. Maybe you are not the right person to answer this, there's a required purchase, something we have to help you buy to operate city elections. Do you know how much that is? I think Sabina knows.

Your new cost -- we will need 80 pieces of equipment. 80 JDCs, IN ORDER TO MEET Your minimum. Now, when I provided you with an estimate, we were looking at a scaled-down version, so you also have an option to say, well, we would really like to have something more like 190 precincts or some higher level of precincts. The original version I gave you was, I believe, about 225,000. If you wanted to have enough pieces to have a full compliment of all of your precincts covered and not do any consolidations, I think the price tag went up to approximately \$260,000 for, I think it was 90 something. The numbers have changed a lot and I apologize for not being very precise. So I think your final number that you are considering with all of the additional items that it takes to purchase just the pieces that you need to do a may election, I think it was just over \$300,000. So that's the amount, roughly, that you are looking at that we would ask if you decided to a may election, that you would absolutely have to purchase in order for us to do this overlapping calendar that we just looked at. We will have to do that.

Spelman: Okay. So the price, from my point of view, we've heard a presentation about this and I think you were here when this happened about a month and a half ago. The price cited to us at that point was about \$3 million. But that would require the full inventory of machines at complete parallel machinery. Since that's extremely unlikely, it's never happened before, the price has gone up to 3 million, about 200,000.

I believe that's a much more reasonable decision model for you to have to follow. With that said, there are -- there are considerations for May and there are considerations for November. And if you don't mind, could I make a couple of comments about those?

Spelman: Feel free.

In November I think the calendar speaks to the obvious issues that we're going to have. It is so tightly sandwiched together that when all of the election administrators around the state were first looking at that, we all thought it was truly impossible. The -- many of us tend to be soft hearted towards our clients. 130 Of you in Travis County and all of you are my favorites. But in our attempt to try our best to serve our clients, we have had lots of discussions throughout the state about, well, okay, in sympathy to what some of our clients are going through is there any way to head off this happen. Well, kind of. Not a best case scenario, but there are ways that we could support you if you -- you know, if you really do decide that this is what you need to do. And I'm trying to be as respectful as possible about the roles that we play here. You are the policy makers and I conduct the elections. So if you -- if you decided to a may election, I will do my very best to conduct an accurate and transparent election in a very, very difficult circumstance. And I don't -- I want you to understand that -- that situation. There will be a lot of

advertising going on with the democratic and republican primaries and you will find yourself sandwiched just like this looks in that kind of environment. We will be running double teams behind the scene. And I know most people don't care about that piece of it. What I really about is the voters. We have very smart voters in travis county. Nonetheless, this is a challenge we have not faced before. And we will have to do a lot of advertising, a lot of public relations and outreach to make sure our voters are clear from day to day which election is running and which one is not. Now, with that said, all right, we step up and we do extra effort to -- to do the two different kinds of education programs, the recruiting of the two different kinds of election judges, and we put all the extra effort and time and, you know, expenses associated with doing that education program to try to make sure that there is the least amount of confusion possible for our voters. This does beg for, you know, lots of explanation to them, and they are the ones I am concerned about if we decided to move to this model. Now, in november there are other considerations. It is a completely different model, so I really think you are comparing apples and oranges. In november there will be -- and it's a very big election. It's a presidential so you have something completely different than in a spring calendar. In november certainly there will be the advertising and, you know, lots of other campaigning going on, just like in the spring. Perhaps even more so. The -- the concern about -- the issue that a lot of my clients face in terms of may and november is a legitimate concern for you. I sympathize with it. In november I can take some action, though, that assists you in that by the section 52 of the election code allows us to be able to separate the partisan races that will be going on nationwide from the non partisan races. Yes, you do have an issue there will be a presidential election in november at the same time you are trying to conduct your local elections. So with that said, what we decided was, well, let's take advantage of what the law does allow us to do. And the local entities could be placed at the top of the ballot, and there is a decision about ballot order that we would need -- a process we would need to go through to make those decisions so I don't want to leave you with an overly simplistic view the city of austin would be at the top and we would need to go through a process. Nevertheless, we can put the local issues at the top of the ballot and then have the presidential election, and i believe we will find support from the democratic and republican parties for this item because it solves a problem with them and their voters, if you will, for straight party. Because what it does it allows everybody to deal with all of the local items first, and then when it's appropriate to deal with partisanship, then you have the option of straight party. So it's very clear to voters. It's far less confusing if we do it that way. So one of the options we talked about in november is to go ahead and solve what would be considered perhaps your number one issue with moving to november. In a nutshell, it is my -- my very best and my most considered professional opinion to you is that it will be far less confusing for voters and far less challenging to conduct, you know, our very best services to voters for you to hold your election in november with the idea that locals go first on the ballot than to try to do the sandwiched program in may and purchase additional equipment for a system that is nearing the end of its life and we will be looking at in the next few years going to a new, a different kind of system. So, you know, we're investing in an aging system is also one of the factors I hope you will consider in your deliberations. So I do not mean to be soft about my recommendation to you about the challenges for may and about the benefits to voters for november, but I am trying to be very respectful about the deliberations you are going through.

Spelman: We very much appreciate your respect and thought that you have given to your solutions to our problems. And I particularly appreciate the mental image I have of 253 county clerks all in a room trying to figure out how to solve problems for their favorite kids. Thank you, dana.

You are quite welcome.

Mayor Leffingwell: I have a question. When you were here last time you made the statement holding the may elections do not serve our voters well and I believe you expanded by saying it would be confusing, and as i understand one of the factors in may, we're still operating under the old polling places, but in november, if I understand correctly, you are going to the single -- single voting place where no matter where a voter shows up, a voter can vote on all the elections, local, state and federal. To me that seems very much less confusing; whereas in may a person could say, well, i voted here on exposition boulevard last week for the -- or last month for the pry primary election and show up and there's nobody

there, the polling place is someplace else because a different kind of election. Is all that correct?

It absolutely is. The -- there are a couple of assumptions that we make. For one thing law does not allow us to use vote centers for a primary election.

Mayor Leffingwell: That's the word I was looking for.

Trying to put it in the spring election is not going to work. I want to be cautious in saying we will be using voter centers for this november. And then we will be asking for feedback from the community. Assuming voters like it, and i think they will, then we would be moving to implement it in the presidential election too. So I don't want to get too far ahead of our voters, but yes, vote centers are very forgiving about voters who are in a rush and especially those who want to vote and they show up and they are accidentally in the wrong place and they don't have time to get to the right place, we can save every single one of those voters and they are, there's quite a few of them. So for -- to say to a voter just vote wherever you need to vote to get it done is a -- is a wonderful help for those who have busy schedules. And the confusion of not knowing exactly where to go.

Mayor Leffingwell: So earlier you mentioned something about -- we were talking about the cost of machines, and I thought I also heard you say you would have to hire additional poll workers, judges and so forth. Who pays for that?

Well, that will be part of our election expenses. In november we would end up having one basic recruitment job and one set of election workers. In may it is a different picture and we would have the recruiting challenge of basically teaching two sets of procedures. The rules and the procedures for a primary election are completely different than the ones for a municipal election. And we would -- while some people may want to try to work both elections and would be willing to attend both election training schools and get prepared for both of those, I think we'll have some people who will realize that doing both jobs is quite a bit to ask of our citizen election judges. That we will have a recruitment challenge. We're going to need to recruit basically for two elections, actually it's almost three because even though the republican and democratic elections are joint, we're required to have representation for both elections. So the primaries are already a challenge to get representation from two sides to begin with and then we're adding a third and all of that is happening in that spring calendar. So yes, it will be a challenge to recruit enough people, get them trained in two separate procedures and then deploy everything out into the field. Timely and correctly. Yes, it's a challenge.

Mayor Leffingwell: Yeah, just to follow up, aside from the challenge is there not also additional expense?

Yes, sir.

Mayor Leffingwell: Additional hours worked, et cetera, and who pays that?

We all do. It's part of the extra expenses of -- yes, so --

Mayor Leffingwell: That's not included in the numbers you gave for purchasing additional machines? Is that right?

No, sir, no, sir, we would end up working on a final budget, and one of the challenges of trying to get you enough information to make a final decision is trying to figure out, okay, what kind of election would we do in may that would be as fortuitous as we can plan it, the best organized election, and figure out what the costs would be, versus november which is a much easier calculation. Trying to second guess all of the details, we would need to make that election successful have been challenging.

Mayor Leffingwell: So the cost has been kind of an evolving number, but what we do know it's going to be more than \$300,000. What it actually is will depend on circumstances.

Yes, sir. I don't mean to not give you a straight answer, it is just difficult to quantify.

Mayor Leffingwell: Whereas additional costs for november would be essentially zero. Right, exactly. In fact, I think you would find that we're able to offer you a lot of, you know, early voting services and all of the election services at a very reasonable cost because you are piggybacking on an election that already has to happen. The county is already conducting an election.

Mayor Leffingwell: One final question. This really isn't my own question. You've run a lot of elections in travis county for many years so I know you can speak from experience in answering this question, but typically turnout in may or local elections is fairly low as opposed to november elections. I'm thinking probably triple voter turnout in terms of percentage in november as opposed to may. What is your guess?

Yes, sir, I went back and looked at what our turnout has been from -- from may 2004 through may 2011, and it does range from a low of 7% to a high of around -- a little over 14%. You know, roughly an average of about 10 or 12% is what it has been the norm for a municipal purnout. Turnout. In comparison the 2004 and 2008 elections were 64 and 66% turnout respectively. So we -- as I mentioned, we are talking about apples and oranges and two completing different worlds.

Mayor Leffingwell: At least five times as many voters.

I'm sorry in.

Mayor Leffingwell: At least five times as many voters.

At least. It will be -- I love turnout. So if you love turnout, it's going to be a wonderful opportunity and I -- as i mentioned, you are dealing with another world.

Mayor Leffingwell: Us democrats with a little d we all love high turnout.

Yes, we do.

Mayor Leffingwell: Mayor mayorpro tem.

Cole: Thank you, dana for coming. I want to make sure I'm clear on something you just said and that is that if we have the election in november 2012, you will or will not charge us for that election.

Well, the expenses for your participation will be there, but there will not be some of the other charges like for equipment, you don't have to pay for that because that's part of the piggyback. In other words, necessity time anybody joins in an election for the county for november there are savings that we try to pass on out because the county already has to be there. It's in our policy for years.

Cole: Because I'm looking at your election cost analysis and on the very last page you make -- you are dealing with the scenario where we're not talking about an election contest, and at the top we're talking about may 2012 and the city of austin shared cost is the \$336,000 that we've been talking about. And then the city of austin cost in november was 276,000. Is that correct?

Yes, you are -- yes. Yes.

Cole: I just wanted to be clear it's not free in november and it's not free in may, but may is \$100,000, well not that much difference in cost between the two if you take the election contest issue off the table that has never happened.

Yes, that is correct. Because you are dealing with a much larger election, you know, you end up with greater expenses participating in something much bigger, but because you have more partners you end up having a smaller share of it.

Cole: Okay. I want to go back to the issue that councilman spelman i think pretty much got to the bottom of saying it never happened, but these big numbers that have been floating out there, millions and \$3 million for us to think about an election contest. I want to go back to that to hopefully explain even more to the public why that has never happened and why, to use your words, it is so extremely rare.

Okay.

Cole: Now, do you use different voting machines for democratic versus republican voters in the primary?

No. The way we would organize the may election is that I would separate and use a segment of a portion of the equipment that we have designated for the primary election and a section of equipment designated for you roughly half and half. And so the primary would have its set of equipment and you would have your set of equipment and we would organize them that way.

Cole: And what I was trying to get at is how likely is it that we would have an election contest in both the democratic and republican primary?

They are a joint election, so either one means the election is called into question.

Cole: So if we had a contest in the republican primary, then we would still have a machine in the democratic primary that could allow that election to go on.

Yes, it's the election that has to be -- that you would follow the security procedures for being very careful about making sure everything was preserved for the court to take a look at or for the recount committee to take a look at. And that's what you are trying to be careful of is to just make sure everything is clear and transparent and ready for whoever wants to examine it.

Cole: Okay. Now let's go back to the cost issue and what we're thousand talking about \$100,000 differential. And length of time that the machines could be used. If we purchased those machines in october, would you use them in the march primary? I mean next month or within a couple -- would they be available for your use that soon or would you use them that soon?

I would -- probably I would use the time to get it ready for your may election. So I would proceed ahead with the earlier date and use that -- use the equipment we already have for the primaries and use the new equipment for y'all.

Cole: For us. But -- and just tell me because we don't conduct our own elections, I'm assuming when we get those machines that they would be available for you to use even after -- you don't just use those machines for our elections. Later on we would include tonight the inventory. There are any number of discussions we might have about what you want to do with that.

Cole:.

> But yes, the idea is it would be included back in the larger inventory and it would be melded in with everything else. But going through the process of acceptance testing and getting them, you know, prepared for their first election is -- there is a process for that that's important. So I wouldn't want to rush that.

Cole: I understand. But also I want to focus on your statement that you are considering changing machines, in quote, the next few years. So I'm thinking that the man's that we do buy would still be available for us to talk to you about to be used in some elections --

absolute. Absolutely, yes.

Cole: Thank you, mayor.

Mayor Leffingwell: Other questions? Councilmember tovo.

Tovo: I thought of one last one as my colleagues were talking. Is there a resale value for the machines? I assume if you did decide to switch systems that you would then try to find a buyer for all of the machines?

Yes. Yes, there is.

Tovo: Do you have a sense of how much one would recoup?

That all depends on the marketplace and if we are a little bit ahead of the marketplace, then there are other jurisdictions who would like to purchase e-slate. We just don't know the factor until we get a little closer.

Tovo: Thank you.

We did it last time. We traded out some equipment.

Tovo: Thank you.

Mayor Leffingwell: Councilmember morrison.

Morrison: I just want to thank you for, you know, really being a terrific support as we deliberate this and your offers to help with whatever we do and for coming done here again. And I do have one question for staff.

It's been my pleasure --

Mayor Leffingwell: I have one more question for you after you finish.

I can step aside temporarily.

Morrison: Thank you. Miss romero, I have a question for you. One thing that has been evolving maybe you can help clarify, I was originally looking at this as the folks that are up in -- the seats up in november -- excuse me, may 2012 that we were looking at moving them to november 2012, but now i understand that if we take the action to move to november, we're actually taking the action and it's permanent unless and until the voters change it. Would you say that's an accurate representation?

Yes, that was the intention of the letting you are in sb 100 to allow cities to make a change so you will

see that sb 100 resolution addresses all seven council seats, not just the four up in may 2012. At the same time the resolution acknowledges there may be a charter amendment change before we reach may 2014 that will override this resolution. If we have a charter amendment election in 2012 that changes our election date, term length, stagger, that will control.

Morrison: Okay. And so -- and then specifically for the seat -- for those seated right now, we would therefore be -- if we do move it to november, if that action, we would be extending the term of -- for those of us that are seated by a half a year. All seven of us. Is that correct?

With this resolution, correct. The tenure would move up to november. Just as a clarification, i mentioned that the ordinance would be a first reading. That's if it gets four votes. Of course, if there are five or more votes she all three readings will be satisfied with one vote.

Morrison: Actually I'm glad you brought that up because I do have one question on the may ordinance, the draft that we're looking at, although I'm not sure it's actually in the backup.

It should have been yellow copy.

Morrison: Okay. What does it say about a runoff.

It does not because we did not call the runoff simultaneously with the election. There would be a subsequent ordinance. That's our standard practice. [One moment, please, for change in captioners] we would have the option at that point of push, the run-off to a later date to allow more time for a resolution.

That would be an option.

What is the latest date we could call a run-off.

45 Days after may 12, I think that puts us in very early july.

I think july 7 is maybe what you told us. Okay, so that says that we do have, we may have a decision point where we have more information about how much time we need.

Yes snoomplet thank you. --

yes.

Thank you.

Again, the cost figures, though they are definitely in my mind not the most important thing, there is a new element 6 confusion, maybe it is my confusion by the way I've been looking at it is we held elections without any problems, let's asumme thereby no state and federal elections in may and november, the cost ofs associated run off would be about the same, right? About?

Let me offer you one more way of looking at this, because i think that's not probably an appropriate way to consider it. In a may election, as of right now, you have no guarantee you will have any partner at all. You may very well be go ever doing this election on your own. And I've been asked to speak before other governing bodies of our jurisdictions. In november, if you conduct the -- so you are looking at a million dollar price tag. In november, you are guaranteed at least one large partner, so that cuts your bill in half right off the top. And you will very likely have multiple partners, which cuts that bill way down, even though you are talking about a very large election with lots of services. So I think be, I think when we're considering the apples and oranges analogy, you also have to consider that it's more likely that

you are going to end you will be in the position of carrying the sole burden of an election without other people with you. And I think that's an easier way to describe the risks associated with november verses may, than us trying to calculate what the dollars would be. I offer that as a --

let me just go one step furthering. Depending on the sharing cost, let's assume we had no partners in may, a million dollars, plus extra machines.

Yes, sir.

Plus, potential extra costs of extra people that you have to hire for judges and so forth. November, lots of partners, perhaps the cost of pick a number out of the air of 500,000, no extra costs, no extra machines, no extra employees that you have to hire. So I think the implications that I got from the previous discussion was there was only \$100,000 difference in cost between may and november you about you it seems to me like this is going to be much more than that.

Depending on the scenario, yes.

If you got more base cost in november than you do in may, i many, excuse me, more base cost in may than november, and then on top of that, you've got, on top of that already bigger number, you got the cost of purchase of additional equipment and hearing personnel, it has to be a lot bigger. The machine is a loanerring, \$300,000, that is a plus cost.

The base cost is higher for may because of the additional purchase of the equipment and the risks of it being higher than normal because you may not have partners is --

can I go way out on a limb and say there is a differ ren value e shall cost of may verses -- differential cost of may verses november is more than \$100,000?

I think that is fair.

Perhaps that helps you understand some of the difficulties in quantity faying.

One more quick question and you may not even want to comment on this one, but if you talk about extending a run-off election in july, end of june, aren't we, in effect, effectively disenfranchising a number of voters who would otherwise participate? For example, uc students two you no longer in austin but normally vote in austin and, also, you're in the vacation season, so a run-off, run-offs in any scenario are very low, I think we've had as low as 4% in the run offs, but if you go into july it could conceivably, speculation it would be less than that.

Run-offs are a special creation. They are, sometimes the run-off turn out is higher than the original election. They are entirely driven by what's on the ballot. And I think to make generalizations --

I ask you to speculate too much.

Yeah, I think not.

Thank you very much.

You're welcome.

Kathie -- council member i did want to zero in on one thing talked about here today. If we voted to have an election in may, will we really talking about more voting, more election judges and staff? I think it's

been bantied about a little bit and I just want to get clarity. We always have to hire staff to run the polling places so it is just that we're not sharing that cost with anybody but we didn't in may, 2011, either. We don't need additional staff beyond what we would in any other may.

No. You do not need additional staff above and beyond what you would decide you wanted. Let me clarify two points. First of all, there's the running of the election from your perspective, which is only one jurisdiction. So I apologize if running from the election from my perspective, which is everybody has spelled over into our conversation because, of course, you need to focus on your position. And there was one other point i was going to make and I think I've lost it. So the idea, your decision about would you want to have a scaled down, you know, perhaps 180 precincts verses 1 the 9 precinct -- verses 199 precincts would be the only decision you would be facing in numbers of voters you would hire.

Thank you very much. You've made very complex subject very clear.

You most definitely are facing a complex subject.

Thank you. we have speakers signed up the. First speaker is clay dafoe signed up against.

Thank you, it is my honor to be here, and I will stay.

Thank you.

Good morning, ladies and gentlemen, sit is ins of austin. This item on the agenda is certainly the most dangerous item ever considered by the austin city council. The resolution says no, the consent of the governed means nothing on elected officials have the right to extend their term for a period of six months, one-sixth of an entier council person's term without a city vote. I'm hearing a lot of passive-aggressive threats about the county not wanting to help the city for an election in may when it has been scheduled for years. These are not real arguments. The principal this council can arbitrarily extend their own terms without the corn sent of 9 governed borders on dictator ship. Why don't they extend the terms another three years? How can they unilaterally extend their terms of office without a city wide referendum? The austin city website says that mayor leffingwell and three other council members terms end on the date of june 15, 2012. Is this limit and set three-year term decided way well before they ran for outs in the year 2009 all the sudden obsolete. Can they not uphold their bargain to serve for exactly three years as provided for on the ballot when they decided to run for the office they now hold? No! This action will not suffice in the eyes of austin. It will not suffice because we have something called elections that must be held so that the people have a voice in choosing their representation in their own governments. It is a novel idea, folks, but it is actually an integral government of what our country, the united states of america, is founded upon. While I'm aware that the past sb-100 state bill, senate bill gave municipal governments the green complete from the statewide government to arbitrarily extend their terms another session months, i believe they still don't have the right to elect themselves without a vote from their constituents. We need democracy, we need elections and people of austin making decisions at the he is level, not some computer model which completely misleapts the reality of this situation and is rigged to ensure the lengthening of this mayor and these council members terms without a city wide he referendum or election. America's leaders are starting to appear to be more and more like the great monarchs of europe than the small republicans they are meant to be at americans. Bismarcks aimed to everyone shrine themselves on the throne of power. S an american and austin yearning to live freedom, I say no. Please vote as your may eye alexander.

Next speaker is mark littlefield.

Mayor, council, thank you for your time this morning, i appreciate it. I would like to start by reading a couple quotes from high school and college. The first is from lyndon johnson when he was senate minority leader. Next from thur good marshal the without a ballot, a man is not a citizen. Another quote that was sent to me, an lbj quote but has blue language, I would recite it here but I mayor may quick me

out of the chambers so I will pass on that. Many people have been weighing in on this topic and they are veteran ibms of our community who I respect completely and i wish I had the integrity and history they did in this city. So when I disagree with them on this issue, disagree with them on this issue and not them personally and they've been fighting these feets for years, but they're wrong on this one. Especially when they say things like, there is an under formed electro that the should not be deciding our city counsel races and that is -- council races and that is upsetting to me. Those same kind of comments have been used in the past to talk about whether college-aged students should vote or women should vote. The may electorate is not a vision of our city and creates a system where some parts of our city are allowed to exert december proportion ate eat amount of influence on other parts of our city. I can't tell you why people don't vote in may. I can tell you studies and reports have been done on that i would do anything to have more people vote in may, I would love it, but we don't. Instead, we have one part of our city that outweighs the other part of the city and I don't think that's fair. Voters in west austin have a larger piece of the turn out pie than voters in northeast and southeast austin. For example in 2009, turn out in west and central austin resulted in 6400 more votes being cast in their parts of the city than you might typically expect. On the op he sit side of the spectrum, southeast and northeast ran fewer than expected. It resulted in an 11,000 vote swing, nearly 20% of total votes cast. I would assume that voters on the east side of i-35 are well informed, they can be trusted to vote on other city issues, why not council races. This morning, someone sent me comment, I could point out the last three city bond elections have been held in even numbered years. In november, complete rail and commuter rail elections were held in even number years. I'll finish by saying I trust austin voters and I hope that you will too. Thank you.

Thank you.

Next speaker is kurt becker. Signed up neutral.

Two alternatives on the agenda item, it is hard to sign up yes and no when you have the check boxes so I put down neutral. The first concern here is the cost of elections, see it there is any fundamental expense in the democracy that is paying for electionsment I mean, I know i don't -- the things at the end of your budget list, but eing alexanders are fundamental and we will more than likely get election sharing and know we will help pay for it. As far as the other thing is, when there are elections, the airways tend to be sat treated with political campaigns. When you go campaigning to political groups you have all these forums and full of other people wanting to speak and part of the problem with the november election is the cost of campaign is going to go up more than you will save with taxes. When the cost campaigning comes up, you're probably going to leave the tax cuts for those who can afford to donate to political campaigns. The other thing is, the larger entities, the federal and state governments don't overwhelm the local arguments, instead of good ideas perk lating up, you likely have bad policed cascading down. There are different rolls of government, it is a page earn issue, why you didn't save money by holding the election if november, then hold the election in november. Otherwise, hold the election in may. And the other something about turn out. If you hold the election in november, most of the voters won't care enough about your issues to have bothered to vote. It seems like a random process to call them elections. Thank you.

Those are all the speakers that we have signed up. Council, what we have before us are actually two items. Mutually exclusive, I assume. One is a resolution to hold the regularly-scheduled may election in 2012 in november instead of may, and the second is to approve an ordinance setting the may 2012 election. Counselor martinez. I will make a motion so we can discuss it further. I will move approval of the november resolution.

Motion to approve the november 2012 resolution by council member martinez. Second by council member riley. And council member martinez is recognized.

Thank youing, mayor. I am agoing to try not to be very lengthy. I think there's been some great points made. I appreciate all the comments and questions that were raised as it relates to cost. I do think that

is a factor but I don't think it is the overall factor. For me, the overall factor is really about people. And it is disheartening, I agree with one of the speakers, it is disheartening to see what is taking place over this issue in terms of using terminology that was used during the debates of the 15th around 19th amendment to give women and african-americans the right to vote, things like "uninformed". Things like they don't know what they will be deciding upon. That is exactly what was said when african-americans wanted to vote, that is exactly what was said when women fought for the right to vote. And here we are in 2011 in austin, texas, using those same arguments? We're going to increase our participation, our citizen participation if we just use historical numbers, will increase by 900% from may 2012 to november 2012. 900%. Whether you agree with us, whether you agree with me, whether you vote for me, I don't see how I can argue against that. I don't see how I can't empower, and I certainly don't see I can sit up here and disenfranchise several hundred thousand people in this community who deserve that right to voice their opinions at the ballot box. And we know what's going to happen in november verses may. So there are considerations and principal reasons for keeping it in may, I don't deny that. There are some sound arguments. Senate bill 100, though, contemplated all of those issues, and they actually negotiated with the texas municipal league because tml knew there were going to be tons of cities in texas to run into conflicts. So the bill was broadly drafted. Which reached out to the sponsor of the senate bill, and she specifically said that was the intent of the bill, was to be broadly drafts because cities would have some conflicts with their, potentially, with their charter, their city charter so the bill does allow for us to move to november. But aside from that, the impact it will have on just how many citizens in austin would come out and vote, and as one speaker said, we allow our citizens to vote texas s 6s hundred \$000,000 in bonds, if we can vote on that and an increase in their taxes, why couldn't we trust them to vote for council members in november, as well. If you truly want to stick to a may election, and you may have very valid reasons, here is the true fact and consequence, there will be less women that vote because we know in a november presidential election, more women vote. There will be less african-americans, there will be less hispanics and there will be less people of lower socioeconomic status voting in may opposed to november. And from just that people perspective, I believe that its eonly appropriate we take advantage of this opportunity granted to us bethe legislature to completely empower hundreds of thousands of people who won't vote if we keep it in may. So I will be supporting the item there.

Any other comments? Council member riley. this has been a tough call. We've gotten a lot of input, so this should be an easy call because a november elections would result in a lot more people voting and would be cheaper so why wouldn't you move it to november. For me, it is still a difficult call for a up in of reasons. First, the charter does have a may election, and secondly this issue goes straight to the heart of our democracy, you can't take any decision 6 that nature lightly, it is a slow, it is one of the most significant decisions we can makes a council members as anything that affects the elections of the council. When we look at the legislative history of senate bill 100, what we see is the legislature dealing with problems related to enfranchisement of military folks overseas, military overseas and voter empowerment act of 2009 that started us down this roads, started creating all these issues. The legislature wanted to improve those pro the process for those folks to vote. And as councilor martinez mentioned, there would be difficulties on the part of local authorities. The legislature thought that through carefully and addressed concerns as they came up and expressionly decided cities in exactly the situation we're in today ought to have the discretion to move elections to november, just to make things go smoother. Even if you could do may, if you try hard, it would create real difficulties and the legislature recognized in that situation the local authorities ought to have the ability to move the election to november, exactly the situation we're in now. A lot of times we complain about the legislature imposing things on local authorities without considering the impacts and without giving us flexibility and resources to deal with the problems they're creating. Here, they actually did think p us and take action to make our decisions easier. And in this case, I think in light of all that, we have to look carefully at the input that we're getting with our local election administrator told it's that proceeding with the election in may would create serious issues that moving the elections to november would involve far less confusion for voters and would be far less challenging to do that. And we have to take that input very seriously. That is exactly what the legislature contemplated. We are subject to state law, regardless of what our charter says. It even references state law in the very line that refers to the election date, authorized by state law. And we have to take that very seriously. And so in light of all that legislative history, and as

well as the input we're getting from our election administrator, I'm going to support the motion to hold the elections in the november in the interest of minimizing the confusion for voters and the efficiency of the elections.

Mayor leffingwell: thank you. Councilor morrison. Hertzertz thank you, i appreciate the issue of having elections before the spring term, he was first eastbound elected in 2008 with a primary in march, primary run off, municipal election in may and i had the great treat of going to a run-off so it is challenging and it is an issue certainly to consider but one thing I learned during that process, many things I learned, was there was no oxygen in thary for the my necessary bell elections -- municipal elections until the primary was over. That brings me to an issue that hasn't been discussed before and that is that our elections elections in may for nonpartisan positions which we are, are much different discussion than partisan elections, and moving -- so for me, that is a big issue that needs to be discussed, there may well have been intent or there is something fundamental about our elections in may that they are nonpartisan and moving them to a partisan election time does fundamentally change that. We also could be looking at an option for moving them to november of odd-numbered years, which would avoid that, and i absolutely agree with the folks that have spoken about the need for greater turn out. But my, especially because this is not a one-time thing, we don't know what the electorate will do. There will be a, hopefully, if we get something on the ballot to change the elections to november, odd or even or four years or two years or whatever, that we can have a really robust public conversation about it, which we have not had yet. We have only heard from a small number of people, the council has had a couple of deliberations about it, and for me, it is something that we really need to put into the hands of the voters, not to mention I'm slow uncomfortable voting to extend my term. So I don't think this is about whether or not we want more voters. You think we all want more voters coming to the polls. I think it is about a decision that needs to be in the hands of public and not in the hands of the council. We were given this authority by the state, and I appreciate their contemplation of giving us options, but there is nothing here for me that demands we take this decision out of the hands of the voters. With that, I would like to make a substitute motion that we go with the may election ordinance. so council member morrison move tops adopt on all three readings the motion to have a may election?

I think we need five votes for all three readings

mayor if you don't get five, it will just be one.

Okay

mayor leffingwell: Second by council member spelman.

Mayor, I have a comment.

Mayor leffingwell: okay. Mayor pro tem. it is clear the legislature has given us permission to move our election date. They could have well man dated that we move our election date. They did not do that. The legislature has, in the past, given us permission to go to single-member districts. We have a charter that we took an oath to uphold. That charter states, explicitly, that we will have a may 2012 election. We must remember what our charter is. It is essentially our governor document from our voters. To vote against that charter provision would be a violation of my oath, on top of doing that to extend my own term. It would be no different than if the legislature had given us permission to go to a strong mayor, a single member direct or any other type of permission, and we did it on our own vote without sending it to the voters. Like all of the items that are on the november ballot. So because this is a charter violation, in my view it belongs to the voters. I will support putting this item before the voters in november, but I will not support moving it on my own vote and extending my own term, in violation of the charter.

First of all, did you want to say something? Let me just say that I very strongly disagree it is a violation of the charter. I don't think that is at issue at all here. But I did want to address a couple of other things. First of all, earlier you mentioned the possibility of getting ourselves in a situation where we would have

to hold elections in may and november due to other factors, and I see that steve stewart is here, and steve, I would like to ask you the question regarding the ems petition on the ballot and what date you will be looking for to place that item before the voters.

Thank you, mayor and council. Steve stewart, president of the ems employees association. We were lucky enough to have hb-554 pass through the house and senate with governor seined it this last legislative session, which gave ems the ability to, with the assistance to austin, to grant civil service to ems employees as well as what we already have for fire and police employees. Our plan was to try and push for an election in november of 2012 and our thought process behind that is, if we're going to decide an issue as big as civil service for ems, we would like to have the most of the citizens of austin we can get to an election to help decide that issue. And open that fran cheese up. I have to -- that tran chias up. From a personal level, I have to agree council member riley and council member martinez on this issue. Eel' a dig d, and capital letter d should support franchising voters. There has been a move throughout this country in the last two or three election cycles to disenfranchise voters from the other side of the aisle. And I would really like to make sure that this council, you know, gives some credence to that. I think it is slow important that we franchise as many voters as we can and go forward with the times of the elections when we can get the largest turn out.

Thank you. And so what I'm getting here is the great likely hood, if we choose to have elections in may, we will wind up having them in november anyway so we will have elections in may and november. I'm just going to very briefly say a couple of things to follow-up on what council member martinez and riley have said, because I agree with them, obviously. The bottom line, we had started this process to begin to try to move our elections in november well before anybody knew about senate bill 100. By the way, which is about enfranchising our soldiers, sailors, airmen, marines overseas rate now protect our country. So I totally support the effort to enfranchise them with senate bill 100 and the implications that somehow we are going to violate our charter by using senate bill 100, which is intended for that purpose, i just very strongly disagree with that. But going back to -- and first of all, I want to say that i know that nobody on this dais feels this way about the comment that has been brought up more recently about uninformed voters. That we don't want too many people out there voting. I think, as a small domestic violence and as d and a large d, democrat, that is not something I believe in. The entire history of our nation has been expanding the electorate, making more people eligible to vote, getting more people to vote. It has been resisted many points in our history by people who didn't want uninformed voters to vote in the beginning, we had -- those eligible vote were basically white, male property owners, that was it. Gradually, over team, we've expanded that but there was always voting based on that premise, we didn't want people voting. After the civil war we had let a literacy tests to make sure people were informed before they went down and voted. We also had poll taxes. Many people would say that is directed at poor people who are basically also unhe uninformed. And women couldn't vote i BELIEVE UNTIL THE 20s. 1920. And the reason they weren't allowed to vote is because the women were considered to be not informed with regard to issues of poll politics and governments so gradually,ly is but surely, we've expanded the franchise. We have an opportunity here in accordance with state law to expand the electorate for austin city council elections, we have a chance to do it next year. You think we ought to do that. It is a relatively minor item but certainly, I read the comment the other day if we vote to have the election in may, we will be paying more money to have fewer voters. That just doesn't seem right. I think we ought to vote to extended franchise and we ought to to it do it today. Council member tovo.

First of all, I want to thank the mayor for saying that probably none of us up here on the dais, you would say none of us up here on the dais, would support that kind of comment that we have tea heard out there in the press that we don't want to encourage un informed voters. I know everyone up here, regardless how we vote on this issue, respects and trusts the voting populous in this city. So I'm glad that I do hope we can advance the dialogue beyond that. For me, this isn't really about, I think talking about it in terms of franchisement and disenfranchisement in tech is not quite accurate because we are, as my colleagues have said, we do have a charter that specifies may elections, so it is not a disenfranchisement of voters to vote to continue it in may we have sworn an oath to protect our charter and I take that seriously. We should not vote to extend our terms except in really extreme search and

rescues. When we began this -- extreme circumstances. When we began this dialogue earlier this summer it seems like we had no options because the costs were high. As we continued this dialogue and saw some of the run-off dates could be pushed back for municipal elections and costs came in substantially lower it became clear this was not a necessity. Now, I agree e agree with my colleagues who support the idea of promoting more voter turn out and it is very clear that moving to a november election would do that, but like the others who have made the substitute motion, I believe that's an appropriate question to ask the voters and if they choose to move the elections to november, I'll certainly support that. So I will be supporting the substitute motion to continue and to go forward with elections in may.

Further comments. South america bill spelman.

This gave me a lot of trouble. There are conflicting arguments in both sides. Good arguments for november because of the larger turn out. Good arguments in may because the people who show up in may pay a lot of attention. They hold a lot of forums, give us questionnaire to be answer, get in our faces after we're allocated and give us a hard time about agenda item 41 from six months ago. The level of engagement from the may voters and the sheer numbers from the november numbers. I would like to have both of those things, a lot of people who are heavily engaged. But we have to recognize, politics with the possible exception of the people on this dais and the people in this room, politics is not the most important thing in most citizen's lives. They've got kids in soccer games, they watch the football game on tv, jobs, a whole bunch of other stuff going on and there is only a certain window available for people to talk about politics. If we have may ballot largely to ourselves and they have a certain window to talk about politics, they can talk about local government. They can want the tv ads, the direct mail, talk to people as they did door-to-door and might get a sense for what the city issues are. The fact that only go 10% of the people actually turn out in may suggests to me that that 50 pbs who could have turned out because they do in november but don't in may, are doing so for a pretty good reasoning. They're not as invested to what is happening in the city, they don't have as much information, they're more worried about their kid's soccer games and their job than what happens at city happen and we have to respect that. By shoe hornng ourselves in their lives in november, I don't think we're doing them any favors. With that won't they've got that amount of space they will they will have to talk about politics they will be considering, in november '12, particularly, a presidential election with flaming rhetoric on both sides, more polarization among the opposing groups than I've ever seen in a presidential election, at least at this stage of a presidential election, than you have before. And if I may be practical and not ideal he isistic, we will have millions of dollars spend on partisan races and a pittance on local government races. Also on the bonds and charter amendments. We just can't raids that kind of money because we restricted ourselves from doing so but we're all running in the area the size of a state senatorial district. These guys raids money all year long and there is no restrictions to how much they can take and spend and we have serious restrictions on all those things, which means there is a lot less advertising, a lot less direct mail, fewer tv ads devoted to all the city issues, and that's all the focus on the federal government and state issues and partisan issues is all reinforced by what they see on the news media. I suspect if you went to a backyard barbecue and put an ear to what people are talking the presidential race, democrats and republicans and probably talking about single member directs and affordable housing bond and i don't think we're doing them any fears by trying to do both at the same time.

Further comments? We'll push on the substitute motion. All in favor of the substitute motion, say aye. Opposed say no. No. Passes on the first reading only and a vote of 4-3-point. Council member riley, council member martinez and myself voting no. So, council, it looks like we're not going to have time to get into the morning briefing before our 12:00 noon item. Start working our way through a few items, if we can. Item number 2 has one person signed up to speak. A4r5.have.

Good morning begin, austin city council, citizens, thanks for giving me the opportunity to addressing item 2. Item 2 authorized the execution of a power purchase agreement with renewable ink ink for a term of up to 25 areas, for up to 200-megawatts of wind generated energy with a cost of city manager, for a total estimated contract amount of \$725 million. Hope there is still enough of you up there listening

to what I'm saying. Now, first, let me start off, attorney, by saying that the wind energy may be a great tool to achieving our environmentally conscious energy structures, mayor, but I don't believe this item will ever accomodate this item will give a \$725 million, 25-year hand out to the company, a foreign, foreign energy company. That's right, ladies and gentlemen, they are a foreign company. In fact, they hail from Spain, the country of Spain, and in Spain, Iber is the single largest utility company in that country. In addition, they're not only based in Spain, but they are now the fourth largest utility company in the entire world. Those people perking in the gallery, -- murmuring in the gallery, if you're listening, imagine that. Fourth largest utility company in the entire world. If we are trying to meet the renewable goals, why contracting with a company from Spain, a foreign country for a contract up to 25 years. It is a dead give away to a powerful corporation without any type of assurance this technology will work. Again, the fourth largest utility company in the world. In 20 or 30 years I don't think this council will be on council, I think they will be retired, back in private business or not even living in extent any more so why you do get the right to determine policy for 30 years. This is constructed in Kennedy County, near the Gulf Coast, this private, for-profit project will be online by the year 2013 and include 84 wind turbines. Now south of Corpus Christi, 250 miles away from Austin, Texas, the driving distance of four hours that separates us, what right does the city of Austin have to make special deals and put wind turbines in other cities nearly 300 miles away. It smells foul to me and I'm here to point out my fellow citizens these one-time big corporate project give aways are superficial attempts to create environmental projects that do the environment more harm than good.

Time has expired. Council, the floor is open for a motion on item number 2. Council member Riley moves approval. Second by document Morrison. Discussion? All in favor, say aye. Opposed say no. Motion passes on a vote of 7-0. Item number 8. One speaker seemed up. Clay Dafoe.

Wow! Giving me them in rapid success here. Quite a change from the last meeting. On August 1 of this year, I addressed another part of the larger Shoal Creek master plan project, which, in my opinion is a bit by bit strategy to reduce the natural wildness of Shoal Creek in our city and to turn it from a rain water dependent creek to a state flowing sewage drain sink to take other undesirable water in our beloved Colorado River here in Austin, Texas. That item affected most, the most downtown area of Shoal Creek as it ends its flow into the Colorado River and was give away the international bank of commerce, another give away you guys did. This item, null 8, affected an upper area of Shoal Creek from downtown and is situated around the creek at Jefferson and 39th streets in old, north Austin \$75,841 construction give away to Smith Contracting company is for an unnecessary project. One built to enrich Smith Contracting. While the back up material claims that this Shoal Creek storm drain improvement project is for bank stabilization, I believe is a hoax. One flood from the year 2010 as an adequate reason to massively alter the nature of Mill Creek. We've seen the massive project determine shore vehicle and now with this project placing concrete head walls, drilled piers, limestone rock wall and stable ideated earth and slope, we will see Shoal Creek forever radically changed. Nature is not easy to repair, ladies and gentlemen. And this action will destroy the beautiful nature of our creek. Once this project is complete, our beloved park will be sandwiched between massive concrete barriers in the creek and it will be firmly in the city promoted developer's grasp. The golf course was removed to prevent individuals from crossing the creek bed. December cover res of great -- discoveries of great interest I never shall find. IN THE 1990s A HUGE DIAL EVER Dinosaur skeleton was found in the middle of Scholls Creek bed. And it is legend there is a treasure there, as well. Please vote no on this item to prevent the destruction of Scholls Creek and further the way to development on the creek and in the park at the behest of the city government. Please do not destroy the beautiful nature in which I live. There is only so much of it now. If you destroy Shoal Creek near where I live, he will have nothing when it comes to nature in my neighborhood. I beg of you and instruct you to vote no. Thank you.

Those are all the speakers we have on this item. I will entertain a motion on item number 8.

Move approval.

Mayor pro tem Cole moved approval. Seconded. Discussion in he all in favor? Opposed say no. Motion

passes on a vote of 7-0. He brings us to item number 19. He two speakers answered up. Gus pena.

Mayor, good morning, proud east austin native, proud united states marine corp veteran. Number 19 in the item of today's agenda is having to do with funding for project recovery. As we've seen an increase of mental health issues out in the community, particularly this agenda item calls for funding for project recovery, overview of project recovery is an integrated mental health and substance abuse people program, the appropriate level of care for clients is determined using a validated risk assessment tool. All assessments and treatment modalities used evidence-based modalities based on leveraged clients needs, risk and required level of care. Mayor and council members, I don't mean to put the burden on our military veterans but when I served in the marine corp in vietnam we had a lot of veterans coming back with mental health issues that were not addressed. This gives the agency a great tool, a great funding to address these issues, but I will, again, again, inform you that a lot of our children, our youth, have increased mental health issues. We don't want them in the criminal justice system, it is not good. It is not good. And when you come out, service is not there but thank god you have provided for the austin to provide services such as project recovery for mental health issues among those individuals that have been incarcerated. I will leave it at that. Again, thank you very much. Thank dave 66 vans and he is group there, employees, for doing an outstanding job. But the need is greater out there. Thank you very much for that and I will be back to comment on item number 24. Thank you, mayor and council.

Next speaker signed up is dr. ben randall tangle. I know that guy from somewhere but I don't see him out there today. Dr. randle fandle. So those are all the speakers we have signed up so I will entertain a motion on item number 19. Council member spellman moves approval. Second by council member morrison. Discussion? All in favor, say aye. Opposed say no. Passes on a vote of 7-0. Which brings us to item 24, I believe. 24. We have two citizens signed up to speak. First speaker is gus pena. And we're paging randle fandle, he is also signed up on this item.

Mayor and council members, again, gus pena, item number 24, having to do with funding for social services agencies. Mayor and council members, what a fiasco this has been, and I mean no disrespect to the system but when I brought this up two years ago to determine -- brought this issue up two years ago to determine the effectiveness for social agencies, who is providing better services, the outcome came out of this, this process to me was not acceptable, not good. You have a fiduciary statutory responsibility to provide better quality of life for our -- equality of life for our residents of the city of austin. That has been fractured. Austin has a high number of people in poverty. You. You read the paper today? This is not acceptable. Among those groups are our military veterans, coming back and their needs are not being met. Austin has a high number of homelessness. We are close to a double-dip recession. You want to deny it, I'll tell you what, ladies and gentlemen, we're close to it. Not just often looking nationally but here. And people say we have a prosperous outside economy. For whom? Maybe a small number of people, the downtown business owners, other people, you have a lot of people becoming homeless in austin. Homelessness is on the increase, ladies and gentlemen and I served in the marine corp in the tail end of vietnam, I can tell you I have experienced homelessness and it is not fun. We're not taking care of business as usual for our homeless population. The families that are becoming homeless, not acceptable. I just want to say this, we can do a better job of finding more funding for social service agencies. It is a fiasco. Tap into the austin energy funding, line item, budget, move around line item budgets, mayor and council members, find more funding because a lot of agencies that need funding are good agencies are not funded. I will leave it at that. Let me tell you one thing, we need to have economic development, jobs with high paying jobs with benefits, not just low-paying jobs. It doesn't get people into affordable housing. Affordable housing with we don't have it here any more more the poor. Thank you very much, have a good day.

Thank you. Entertain a motion on item number -- oh, excuse me. Dr. ben randle-fandle. He's not in the chamber. Those are all the speakers we have. Entertain a motion on item number 24. Council member easy he he is spellman mix as mobs. All in favor, say aye. Opposed say no. Motion passes on a vote of 7-0. Item number 29. First speaker is gus pena. pena is coming up, I believe p is important to recognize

we've already passed item 29. It was not pulled out of the consent agenda.

Is that correct? It is not showing pulled off on mine.

It was certainly the intent to pull it, so if we missed it, we do have speakers on it, the intent was to pull it. As you may know it cuts down the traffic quite a bit. When that happens it makes it really tough for businesses to survive. That's what I want to talk to council about today. Gary Shef of the Austin transportation department and after speaking with him I was told the reason behind this is safety for all who use the streets. They are having accidents there and for this reason they wanted to collect data. The data was supposed to be collected for 90 days. Those ended on December 6, 2011 and we have yet to hear from Shef or Austin transportation. To make it safer, as he put it, they installed traffic signals, stop signs that were there before. These traffic signals were used for three to four weeks as intended and they were turned into flashing red lights which quite frankly doesn't make any sense because we are essentially back to where we were so that didn't make much sense. Seeing how the taxpayer money could have been saved if you had never installed those traffic signals. Also I wanted to mention, my dad and I have been there over ten years ago use these streets, the same intersections every day, sometimes on more than one occasion and we have yet to record any incident, nothing close to being any harm so I'm not sure what data they are looking for, but that still hasn't been opened up yet. We recently renewed our lease there for ten years and with everything else, they increased our rent with cost of living and prices increasing the way they are. One of the ways we were going to reciprocate for that is having new renovations, installing new gas pumps. We had an agreement with Texaco and they were going to put Conoco gas at our location. Unfortunately with the traffic being cut down more than half, I doubt that's going to happen which puts strain on us. We don't know if we're going to have to break our lease. That's a lot for my dad to go through. He is 68 and he's going through a lot as is. Now he's working again, working 10, 12 hours a day to just make ends meet so we're not having to close down the business which it seems like we're going to have to do.

Cole: Your time has expired.

I want to thank everyone --

Cole: One second, you have a question from councilmember Morrison.

Morrison: Thank you. I appreciate your coming down. The issue that you are talking about in terms of the burning closure and all has been something that obviously has been talked about. I believe we talked about it at our committee, our comprehensive planning and transportation committee. And I understand there are absolutely concerns about the impact on your business and I wonder if we have some staff here that we could talk a little about the time line and, as I understand it also, actually I thought there was some interaction between you and staff because we need to know if it's impacting your business, and I thought that that discussion of how we could actually formalize that was going on.

Councilmember Morrison, Robert Spiller with the transportation department. I would like my traffic engineer to talk about this project. Yes, the original agreement was for at least 90 days closure so that we could understand the response. In the interim there's been some other street closures for construction upstream of it and so we're preparing to do that next set of data collection, but it's probably going to be October before we can actually do that independent data collection. So -- but I would like Gary to talk about the interactions we've had.

Morrison: Okay, but -- Miss Morrison, I hate to interject, but I just want to throw out, when we compare numbers, closed down the street June 6, June 6, 2010, we've got down 16% compared to June of last year. July we've gone down 18% in our sales and I'm sure we can get those numbers if you would like to the city. What scares me right now is in August. August of 2011 we've dropped 37% of our business. Compared to August of 2010. And at this rate, September is not looking any better. Assuming the worst since we're looking at the data and the way it's going, I'm assuming it's only going to get worse. Pena

mentioned, my parents at this age might come down to where they have nothing to live off of.

Morrison: I understand that and I'm very concerned about that because I don't think we can be in the business, the city can't be in the business of putting you out of business. And so those numbers that you just cited, those have not been given -- nobody asked you for those yet?

I was told that either i chef or he said it will work out better if they went to the city and got them themselves more or less to say they were not altered. You can go through the city records and I'm sure you can get that for any business.

Morrison: If you could help us get a time line.

Absolutely. The data that we're waiting for is the traffic count data, yes, we can get the business data right now and that's what we're in the process of doing. It's the traffic count data to see what the change in traffic movements through these intersections have been. What we're concerned about is that the construction that's not right at the intersection may be causing a reduction in the overall traffic in the area and so that's really what we're waiting on. But let me let --

Morrison: Just to help move things along, let me say I understand we have a comprehensive planning and transportation meeting coming up in the beginning of october and I think it would really make sense to have a fuller discussion then and hopefully you all can verify any financial impacts by that point and I would invite you to come.

How long are we expect -- i understand, again, so they've already had this street closed. Further down on 51st near lamar, I'm not sure why two are being done at the same time. It didn't make much sense to start another one down the street. What I would like to know is yes, we do have our meetings, we have to collect more data and with all due respect --

Cole: avina, we're going to hear this in comprehensive planning. You will have more time. That's a committee I sit on and councilmember riley and councilmember morrison. So if councilmember morrison has any more questions for you, she can ask you that, but we do not allow just complete dialogue at citizens communication.

Morrison: Thank you, mayor pro tem and I don't have any more questions, just one comment and that is I'd like to sit down with the transportation folks to see if there isn't some immediate relief that we can get because I think that the concern is that there are issues going on right now that are a real problem.

Thank you. Again, I would like to thank everyone for their time and consideration and we appreciate your help.

Cole: Our next speaker is mr. john goldstone. Are you in the chamber? Thank you, come on down.

Last year so you could see the changes from the speech. I'm hear to talk about an easy louis to your 12th street problem. I was here last year telling you to get the ara out of the way. Be careful what you ask for. I just sat through the \$100,000 consultant meeting you set up yesterday. They will be reporting back to you in four months. I will give you the correct report today. You remove the large impediment and more importantly advocate for their own agenda the ara and replace them with neighborhood housing. However, the idiots at the urban renewal agency have -- the solution, first, on east 12th street there are two extra levels of roadblock compared to any other area in the city. A hcd voting and ara voting are the two additional levels that do not need to exist as to dealing with any land use modifications or variances. I'm not calling for the termination of any relationship or guarantee the city may have for development projects but I'm talking about the termination of any relationship that requires the city to use the services of neighborhood housing and urban renewal agency. It's embarrassing to be

paying city taxes and have elected -- there is already a nccd which is almost the same land as the urban renewal plan. I recommend you attach the land use restrictions to the nccd and abolish the urban renewal plan as to east 12th street adding a provision the most restrict I have will control. This will eliminate the eminent domain plan which is a necessary impediment to entitlement and scares lenders and developers attorneys from the hassle of dealing with two land use documents and the ambiguous resolution process is absolutely keeping lenders and developers from looking at east 12th street. I'm happy to do the redrafting if you'll provide me with the two documents in word and I'm not kidding. Second, fund and install infrastructure improvements to the levels of development allowed and seen under the urban renewal plan and nccd. Developers go to east fifth, sixth or seventh and no urban renewal plan. It's simple. Do not allow any or any more land transfers to neighborhood housing whether from the urban renewal agency or any other entity under the eye of city of austin. Neighborhood housing is incompetent and advocate for their own agenda which you have mandated. Your intended play indication of the east side community by putting the incompetent neighborhood in charge is a failure you are. Look at the fast pair funded money wasting that will not create units of housing. Do not make it worse. I'm not calling for the abolition of neighborhood housing in the city, just get them and their incompetence out of the way. Why would any developer put themselves with working with neighborhood housing and the city. [Buzzer sounding]

Cole: Thank you and your time is up.

I repeat, do not make it worse, again, thank you very much.

Cole: warren, you are the next speaker. Are you still here? Babs warren. Other female. I'm sorry.

First of all, did you read what was on [inaudible] I learned about this [inaudible]. Fluoride on the box top of that rat poison my mother used when I was a little girl. Can you hear me? The word fluoride was on the outside of it so we do know it's poison. When I worked for the bureau of economic geology on the 19th street, I was asked to draw a map of the first year I spotted the first uranium map Texas released so I got to learn how bad uranium is. We got uranium in our water too, people, so this has got to stop. What I said was why can't you learn this and act on it. I'm 78. I learned about it when I was a teenager. Let's see. If you don't, your grandkids are going to ask where you were, okay? Okay, first I want to remind you that besides sodium fluoride, more than 100 other substances that are also harmful to our health including depleted uranium and other substances are put in our water. Water quality inspectors are not allowed to examine these substances until [inaudible] skull and bone labels on them. Nor are the inspectors allowed -- excuse me -- to watch any [inaudible]. Everything is done secretly. Why? Because poisoning our water is an act of terrorism. I also want to remind you that the criminal elite of our planet calling themselves [indiscernible] in the name of population control they use their will to have lower level criminals weaken our bodies and minds from nutritionally depleted foods and slow acting poisons in our food and water. Plus a deadly [inaudible] by mind controlling monopolized media is designed to keep us ignorant, enslaved and lacking the will to fight back. But I'm here to testify that thanks to the hard work of alex jones and other patriots, americans are becoming aware of the illuminati as increasingly fast rate and realize these criminals are neither illuminated or powerful and god allows us to fight back and stop their evil if we have the will to do so. We have to expose their evil and put an end to it. As proof that what I'm saying is true, I want to remind you that 29% of american cities and towns have already gotten rid of fluoride. Goodness. Water fluoridation, gotten rid of it. And this figure is growing fast. Austin needs to do this also. It is a matter of will and doing what's right. Ron paul is someone who has had the will to do the right, what's right. There is a very good reason he's winning overwhelmingly in the race for the republican presidential candidate and is a front-runner -- [buzzer sounding] -- despite the controlled media.

Mayor Leffingwell: Thank you, miss warren. Thank you, your time has expired.

44% In california he won it. [Applause]

Mayor Leffingwell: Okay. All right. Paul avina. Paul is going to talk about racism in government.

Thank you. [Indiscernible] he was one of a ring of judges participate in east austin. I heard that tax paid analyst speak up in grievances here and when they reach the [inaudible] for protection. That's why we never catch up. They got your attention, we don't. Look at these -- money laundering, kidnapping, cocaine accusations, sexual abuse, animal abuse, racist, abortion, insurance fraud. And there's no reaction because the followers taking bruce todd working out of a jewish community center and [indiscernible]. This is a city where detectives alter reports. -- ignore -- [inaudible]. The community forces for rookie training. Street gangs break into our cars, stop mexicans at random demanding identification like 1940s' GERMANY. theft and confessions are signs in the court by deputies force and you know the sheriff is black. I guess never heard of billy holiday. What are lawmakers doing about these people's crimes? Absolutely nothing. They consider criminals day in and day out. We found out [inaudible] form of racism using the power of feeble minded public servants including blacks who target other blacks. Down and out. Immigrants are resilient and a good example for them to follow. Immigrants can be the counterweight to your action. But most of all we feel humiliated because the city doesn't find those useful. Austin -- as a result blacks are in d barrios. Anyone from any country that comes here is matters and blacks in government are to blame for it. [Inaudible] must be down and the public servants who abide by them on the land or american activities. The prize, black, chicanos is very high. [Buzzer sounding]

thank you.

Mayor Leffingwell: Thank you. Next speaker is heather fazio. With no specified topic. That means we can't discuss any issues that you might raise.

Good afternoon, council, mayor, I sent the following email to each of you nearly a month ago and haven't heard anything back. I think the city clerk has distributed it as well as a copy of the city code that i have. I write in response to violation of rights that occurred august 25th during the council meeting. The mayor may not limit the number of items a person may speak on during a council meeting with one exception which is section 2-5-25 subsection c. If one or more people have registered to speak on an item that could be approved by consent of council the presiding officer may ask if reading the registration card into the record and approving the item on consent is an acceptable alternative to the presentation by the registered speakers. The city's legal department has given bad advice as this still puts the decision of whether or not to speak in the hands of the speaker. When speaking to someone in the legal department yesterday WHICH WAS THE 25th, I Learned they are interprets the sections on a restriction on number of items a person may speak on during a meeting. This is clearly not what a provision says. a person other than a councilmember may not participate in removing more than three items from the consent agenda for a single council meeting. This statement is only relating to the pulling of an item from consent and has nothing to do with the number of items a person has the ability to speak on that have already been pulled from consent. This is designed so that two -- because two or more people can sign up to pull something from consent, pull it for discussion, and what this provision does is prevent one individual from -- two individuals actually from going signing up on every item and pulling them all from consent. It's a very reasonable provision and it's legitimate in my eyes but it still is not relating to the number of items a person can speak on. This at best is a misinterpretation that has resulted in the violation of at least two austin residents' rights. What I believe to be happening is mayor leffingwell and possibly others on the council got tired of having citizens, clay dafoe in particular, weighing in on the list of expenditures the council considers every meeting. This violation is unacceptable and will not be tolerated. I caution council that continuing the implementation of this new rule, this new unlawful rule which limits speakers to three items is not going to be tolerated by the people of austin and it's going to -- there are already two people that are potential plaintiffs in a lawsuit and i honestly do not want to see a lawsuit. It's a complete ways of city taxpayer resources, my time and energy, everyone that's involved and people that want to be represented here in austin. So I urge you to please stop the implementation of this ridiculous rule that his majesty has put in place and made all of you accomplices to a criminal act. Please consider this, youth your intellect to look at the code, read it, interpret it and understand that the citizens of austin are not limited to the number of items that they can

Speak on in the public policy process. Thank you. [Applause]

Mayor Leffingwell: Next speaker is -- so first of all I want to just a cautionary note about verbal outbursts in the future. We can't have that here in the chambers. You can clap if you like. Next speaker is Linda Greene. Linda Greene? Topic is fluoridated water. The full topic is why city council must warn the public of the hazards of Austin's fluoridated water.

Yes, sir, thank you. [Applause] the city council must warn citizens of hazards in our water against our will with a drug that is not approved by the F.D.A. And again as a senior citizen, 62 years old, I am burdened with the fact that the only way to get my fluoride out of my water is to lug around 40-pound bottlings of water and gasoline, energy, time, money. Get fluoride waste out of our water. I'm submitting to you a new resolution, you've been presented with a resolution, we forgot to add this is a chemical that you are adding to our water for going on 40 years now. Mayor, back in June about three months ago, you recommended that we collect 40,000 signatures and take this issue to the people. Unfortunately for some strange reason for the last 40 years there's also been a media blackout on this subject of adding this toxic waste to our water. So it wouldn't be really a fair playing field for us to raise 40,000 signatures and then at the zero hour have big , other agencies that are supposed to be representing the American people submit a huge multi-million dollar advertising campaign to make the public think that this is just an innocuous ingredient you are adding to our water when in fact it's a hazardous waste product. Sub mighting, take four of you to put a warning on our water bill. The right thing, the moral, ethical and civic duty that you are obliged to perform because you are paid by our tax dollars. Also I'm submitting is the suggested warnings that we have submitted to you. We appreciate that Mike Martinez and Morrison are bringing this up as an issue at the health and human services committee, but that's not really necessary. The city water department says in part they cannot put a warning on the water bill unless four of you vote to have the warning on the water bill. So let's not play games, let's just have four of you do the appropriate thing. And last but not least, I'm presenting to you this long legal paper that was written by your neighbor's mother, Miss Morrison, she was this the organic gardening movement 40 years ago and spearheaded the anti-fluoridation movement. Her name was C.S. Huntley. She called herself a reporter. I don't know with where her work was published but this is her document to you 40 years later and we want you to -- [buzzer sounding]

Mayor Leffingwell: Thank you, your time has expired. Clay Dafoe, first amendment rights and councilmember salaries and term limits. You have three minutes.

The first amendment is under siege here in America. I don't know how much you guys know about Texas history. Have you ever heard of Governor E.J. Davis? I hope you have. He's an important figure in our state's history. I'm just going to read you a brief excerpt from the book East Texas Terrorism, Violence and Reconciliation written by author Frank Callous. Davis and the state police must be told within the framework of -- the most traumatic and violent period in East Texas history. He goes on to write -- just one second here. I'm trying to find the quote. Armed with this radical -- with his radical legislature, Davis went on a binge of legislation keeping powers to himself. The most detested bill was the provision for the state police. This bill authorized the governor to recruit and arm 200 men under the men under command of an add Jew at any time governor. These military police had the power to operate in any county in the state. They could arrest suspects and take them to other counties for trial. They were the first police in Texas to operate undercover. Lying about their identities to infiltrate groups of citizens. I'd like to say that first amendment violations will not pass muster in our country and our rights as citizens of the United States of America shall be what brilliant rights our great God had bestowed. Do not kilter on tyranny and suppression for the moment's grace because soon enough you and your posterity may be forever limited and silence themselves. God give us grace not unto the tyrants but of people who commit thy thoughts and works to virtuous endeavors which make us human. I plead and beg of you though you may be of blind sight and sore hearts you do not put this people of Austin through the hardship with stripping of their God given inalienable and developersable rights will surely affect. Furthermore I think the city council salaries and term limits or the term length needs to be revised because of the gross inequities existing in Austin and the dangers of unbridled and unchecked tower which tyranny and oppression are sure to follow. City councilman is a part-time job in many cities and

age cross our great nation. I know you guys have a lot to do. It's a heck of a workload. But in the year 2000 the mayor was paid 32,000 a year now councilmember salaries are up to 67,000 I think the mayor is at 71,000. Nearly double what it was 11 years ago. I don't think that's fair. The huffington post has reported that los angeles has the biggest salaries in the nation. They clock in at 178,000 while in san antonio -- yeah, that's amazing, mr. spelman.

Mayor Leffingwell: Thank you, your time has expired.

Let's cut those salaries and term times.

Mayor Leffingwell: Your time has expired. Next speaker is philip greene. Topic is fluoride and thyroid disease. I'm reading it literally as printed.

Hello councilmembers, yes, that's thyroid disease.

Mayor Leffingwell: I understand. Correction noted.

Is my microphone working? Can you start over the timer, please? Thank you. going through the line and I looked up to see this magazine. It's first for women. It's been around for over 25 years. And what caught my eye was up here in the corner it says thyroid discovery. Hidden sources of.

Reporter: Ride are likely flowing down your gland. When you open this article up it's a two page spread about side and endsy meyer, 55 years old. She moved to a fluoride city. She began hag lack of sleep. Went on the physician and was diagnosed with low level thyroid dysfunction. She discovered her water was fluoridated and the overwhelming evidence that links fluoride to thyroid disease. She got off the fluoridated water, switched to spring water and within months symptoms have disappeared. Today the city council of college station is voting to end their fluoridation program. At thebehest of the city manager to cites not only wasteful spending but the possible known stated effects that are dangerous to not just small segments of the population but the population at large. I have in front of me quotes , american medical association and various governmental agencies that have all stated the dangerous toxic effects of fluoride. This is from the american journal of epidemiology october 1999. Fluoride damages bone even at levels added to public drinking water. This is from robert carton, former e.p.a. scientist. Based on data from the national academy of science current levels of.

Reporter: Ride exposers in drinking water may cause arthritis in substantial portion of the population long before they reach old age. United states public health service report april 1993, segments of the population are usually susceptible to toxic effects of fluoride. They include post-menopausal women, elderlyly men, pregnant women and their fetuses. People with deficiencies of calcium, magnesium, vitamin c, cardiovascular or kidney problems. This is from the physicians desk reference. Some individuals are hypersensitive/allergic to fluoride. The largest government funded clinical trial found that one percent of individuals exposed to one milligram per day of f excited reactions including skin reactions, gastric distress and headache. We have tens of thousands of people that are allergic or hypersensitive to fluoride -- [buzzer sounding] -- it's time to end this. It's time to do the right thing. Follow college station.

Mayor Leffingwell: Your time has expired. [Applause] ted edwards. Ted edwards, md. Not here. Dr. johnette mason. Dr. mason. johnette mason is not in the chamber. So those are all the speakers that we have signed up. Council, without objection we'll go into closed session and take up one item, pursuant 071 of the government code, city council will consult with legal counsel regarding the following item, item 56, to discuss legal issues relating to open government matters and clerk please note that items 57 and 58 are withdrawn and will not be discussed. Is there any further -- any objection to going into executive session on the items announced? Hearing none the council will now go into executive

session. We'll call up that item.

Good afternoon, mayor and city council. Assistant city manager over community services. This is an exciting day for the library team and the folks that are going to be presenting to you today. Mayor and council, this is our opportunity to present to you for 30% design of the facility and we're very excited because of the elements that it has. As we said in the past, this is our opportunity to be recognized amongst all other communities across the country as a library for the future. Today we're going to do it in a couple parts. I'm going to have members of the joint venture team of lake flato, cheffy and bull finch to come up and walk you through the various elements of the programs and the activities and the initial designs of the facility through their eyes and with a special emphasis on the iconic signature elements that this city council and this community expects and deserves. And we certainly believe that you are going to be excited about the opportunity here. Just by way of background, I want to talk about the joint venture team. Decades and decades of experience in not only designing creatively and -- across the country not only public facilities but also specifically libraries. Both nationally, internationally, award winning firm and a firm that has extensive experience. Glad to have them on board and I think you'll see the experience come through in the presentation. So let me kind of kick it off. Mayor and council, as you are aware of, voters in 2006 approved funding for the design and construction of a new central library to serve our growing community. As you know, we have a facility that has a lot of needs. Today what we're going to present to you is the schematic design for the new central library that follows very closely along the architectural building program that this city council approved this past fall. The design follows the council's direction to deliver an iconic signature building of a landmark architecture, a facility we're going to again call a library for the future. Today we will walk you through the building plans to show the program as realized and review the design elements of the building to show where it is and in specific correlation to its site and also the iconic civic presence as well. As I mentioned earlier at this point the project is at 30% design, and as you can see from this slide 30% design in the summer of 2011, design development will continue through spring of 2012 at 60%. Then we expect to come complete all of the construction documents and complete the design phase of it in spring of 2013. We also plan to be back in front of city council on October 20th to bring for your consideration and approval the schematic design and authorization to move into the design development phase. With that let me turn it over to Sid Bowen and David Lake to continue with the presentation.

Thank you, Bert. As you know, the library process was begun with funding that began in 2006. We were engaged in basically early 2009, and in late 2009 we entertained discussion with community groups throughout the city of Austin. We had come to the table basically with a proposition that this should be the best day lit library in the United States, inherently sustainable. But what's really important in terms of sustainability isn't too much lead points but future proofing. In 2007 the Kindle was introduced. In 2010 the iPad was introduced. The whole character of the way information is being delivered is changing more rapidly than we can imagine. We really have to think very carefully about what this library will do for the future as it will be required to change. That's fundamentally the reality. But with our meetings with the community, a number of key issues were raised. From program stand the notion this should serve children and food, food is a gathering opportunity and this will be a different library because of that. Reading rooms are still important to all libraries and they are critical community resources so there will be a reading room that we'll show in a minute. It is a public gathering space because fundamentally it's a community resource and that will be different. The Faulk library suffers because there are not a great space communities to use in various ways. And technology is critical. Everyone understands that. But also among all the voices one voice was strongest and that was the voice for parking. And so this building will have 200 parking spaces beneath it. But it will also have an equal number of bike racks from what we're calling the bike garage and it will be close to public transportation and the opportunity longer term for the city with rapid transit or not so rapid transit nearby will also serve this building. Ultimately it comes out to about 200,000 square feet and the design work to date reflects that initial assumption and we're still on that target. Characteristics of the library of the future that Bert talked about, flexibility and blending of space. Basically it's not specific spaces, it's spaces that conserve many uses and change as time goes on. There needs to be focus of electronics delivery of information so as the cell phone replaces the iPad we can still gather books through the library. State-of-the-art technology is only state of the art for a year so the building has been flexible to adapt to change. And community access and

there will be very great spaces in this building. It will be sustainable. We're working toward leed certification and it will be a leed certified building and fundamentally future proof. It can survive the 100 years we think it should. It will have a mixture of lively spaces and quiet spaces. It's not like the old libraries of old, it will be a more vibrant place. And then a notion that basically the library's responsibility is to display and retail its wares is something we're recognizing in the design of the this library. It should be very obvious by way finding where you can find something interesting to read or someplace to sit. Let me turn it to david to talk about the city of austin and the site of this building.

Well, austin's open house for by shoal creek to the east, lady bird lake to the south, cesar chavez and to the north second street. So it's perfectly and ideally suited. It also has remarkably for a central library three entries, three front doors and working with the library and the citizens it's all about really and mating the street, being a welcoming building. So on the right the little arrow is the entrance from shoal creek, so you can come right in off shoal creek from the hike and bike trail and into the building into the atrium. To the right or above that arrow is the bike porch where bikes can be held off of the lance armstrong bikeway. And then to the south the arrow indicates a south entrance off cesar chavez and continuing through the building to the north the entrance from second street. There's this wonderful galleria that links all three entrances into a very secure front door experience. One that really animates. This becomes -- it's bounded by seaholm to the west and green water to the east so it's very much a continuation of the revitalization of downtown austin.

I'm the looks and he's the brain.

Now I got a tall order. The diagrams that we're going to show you are the floors of this library. The site is quite small. The footprint of the building is about 40,000 square feet. Five floors plus two floors of parking. It's tight on its site and access that are trucks essential for the library's operation has an impact on the way this has to be designed and built. Are the right of the screen are guides to spaces in the building and for those of knew the audience you may be able to see what we call the cesar chavez level, the entry level 57600no carrierringconnect 57600 line up to bring light into the center of the building. As you move up in the building on the next level up, the light green is public space and the dark green is destination space. And the second floor there is staff on second and third. Staff is shown here to the second street side. And the south side is shown as youth space. There's going to be some more development work on that based on conversations we've been having with the library department on how to make that better. And you should also appreciate we are a schematic design. There will be changes as we move for. On the third floor the dark blue is collection. We start to find more of the books. Importantly it's not a place of stacks as you might have remembered from libraries of your childhood or mine. This is libraries books this conjunction with places to sit and read them. We also know as we increasingly move toward electronic delivery some of these spaces may not be necessary for other uses so they are adaptable to other uses. The space is relatively narrow so there's always light and spaces can be used for many purposes. Also on this floor is the reading room. The thing that makes it particularly special and this is something david has talked about from the beginning of the design process there's a great porch in orange or light yellow to the lower right. This porch is on both the youth level and on this level. It's two stories high. And it enables us to go outdoors, screened in, away from the mosquitos, but also to have an entirely different experience from any other library we're aware of in the country. As you move up to level 5, it's much more dominated by books, but the vistas from this floor out over lady bird lake are spectacular, the views through the city can be prominent as well. The upper floor has an opening to an outdoor rea garden. We're taking double advantage of a green roof. It's covered by a roof that has solar electric panels on it. So it gets shade but it has shade with a purpose.

The beautiful image is about creating a billing that's a welcoming beacon, a lantern for knowledge and that's where we begin, thinking about the library of the future, being a welcoming beacon. This is a view from town lake looking -- or lady bird lake, I'm sorry, I grew up in austin so I still have trouble with it. Looking back to the building it has expansive views to downtown and lady bird lake. It is very welcoming, it's open and inviting and has these great commanding views both from the building and out to the landscape. This is a closer view of the building from cesar chavez. This is a south elevation and

in the very middle is the front doors which are covered by a vine covered arbor that leads you to the front doors and into the building and to the right is the great porch that leads you to the event forum, this wonderful space that's available for all citizens after hours. Again, another opportunity to animate the street. You can imagine how many times Cesar Chavez is closed for special events and how this library begins to interact with those closures and become a part of the conversation of all those events that happen not only on the hike and bike trail but on Cesar Chavez. We've always felt the building should be a part of Shoal Creek and the hike and bike trail and this is a view from Cesar Chavez looking west. On the right is the hike and carrying connect 57600 the so the entire boundary of the building is all designed to maximize day lighting and minimize heat gain and take great advantage of spectacular views for the heat is on the leak. The water efficient systems, capturing rain water, harvesting rain water off the roof, it is working with the water reclamation system, more than a typical building of its scale. Site strategies, we mentioned the rooftop, green roof, but we want it to be more than that, should be a butterfly garden off 9th floor, the natural plants and materials on that roof. It is shaded so we can imagine, really encouraging people to hang out on that roof and take advantage of the commanding views to the cityscape. But the building becomes a tool, it talks about the nature of energy conservation, knowledge creating you, community sharing and begins to tell a great story about the character and purpose of Austin's community and the citizens desire to share knowledge. We mentioned that being beautifully day lit, this is a view of the atrium from the sixth floor bridge. Looking down into the space we have great commanding views through the east glass and you have a lot of color and soft seating and this becomes the community's living room, there is vertical space where people are sharing and seeing and moving back and forth. Unlike a lot of libraries it provides the capacity to overlook at see across and have different levels be a particular destination for the library. And this is the view within the atrium again, looking up stairs, we talked about the brings and the stairs being really welcoming and having people enjoying going up and down the stairs and across the bridges and it is kind of a jungle gym effect of being through the building.

I will add to that, one thing we know from buildings we do, if you put stairs in people's path, they will use them. If it is interesting and connected it will take more. Another reason for the vertical connections being very public and very inviting.

And what better way to capture Austin's love of outdoors than to hang out on the porch. The only central library we know has a screen porch, multiple floors and imagine looking out to Lady Bird Lake, Shoal Creek, downtown, hanging out in rockers or hammocks or a big fan and it faces southeast, the perfect orientation for a porch and for taking advantage of the view, so it becomes an alternative reading space that is unique in the country but also I think a true mirror to the character of Austin's love of outdoors, and having a library and librarians who get credit, great hands, come on, that's not -- you can be more -- anyway, you've been great to work with, breaking lots of rules here, an outdoor space and lots of screens, take a look out and check it out and enjoy that experience, but also the idea of these three front doors and how to do that so that is very unique. The library is good about being innovative and rethinking and taking account in a serious way this library of the future. So it is always good to quote Lady Bird Johnson, so there is no blue language in here, you will be happy to know. But she said there is no place in the community as totally democratic as the town library and I can't imagine any more democratic character of a building than this one with this porch and character and how it sets the sites so we're excited to continue our journey and crafting an open house for knowledge and community. So David leaves the other piece to me too, the budget.

The dollars. He is good on dollar as soon as the good news we are in the budget the city council approved. The economy has been very helpful to us in that respect so we're able to do a very, we believe, tactile and refreshing building but well within the budget the city has established so our estimates is that that have been done by the construction manager and independent estimators within the charge we are given.

Mayor and city council, in following the guidelines of focusing in on the iconic and signature pieces of this facility, we wanted to give you a sense and taste of some of the elements we're looking at for this facility, for example, I can tell you that the team that worked extremely hard with this has put a lot of

emphasis of not only blending specific features into the facility but also engaging a library future, something that in all my travels and all my years of experience didn't even know that exists so the library opportunities have been incredible in helping us to shape not only the elements but also looking at the operational and the programmatic aspects of this entire facility. She has been instrumental in giving us ideas, really tearing all the walls and thinking outside the boundaries of any semblance of walls so just wanted to give you a sense what those may lack like. For example, the great reading porches looking over the creek, taking advantage of the spectacular views, the bicycle parking which is extremely critical element with the repair aspect of it, just off the bike way. A special display honoring the work of our restaurants and chefs with cooking demonstration areas as well as a special december play area honoring extent and the vibrant music and the notoriety that Austin has, that in itself is very iconic, as well as a special december play area for -- display for film areas and all the great work that our library staff, I will say it is an award-winning staff because even this past year got recognized as being, you know, recognize as one of the best services team for all the great work they could do with our kids and featuring the beloved puppets they create as well as custom-made shelving to enhance the december display of items. So with that, the -- as has already been presented, the new central library rather will be as unique Austin and we're extremely proud of this. As I stated earlier to further they are project along, we intend to come back to the city council for approval and authorization so we can get into the next critical element which is a development phase and we plan to come back to council on October 20. And so this kind of gives you some of the next steps that we're involved in. We do plan to go to the, both the library and the design commission on separate briefings on September 26. We are planning to go to the downtown commission on the 19th and then, as I stated earlier back to council for your consideration and approval on the 20th. The design development completion on the 60% phase will be in the spring of 2012. And then in 2013, we have three different milestones, one is where we come to council to review the guaranteed maximum price, the 100% design part of this. Again, in the spring of 2013, we also look at the summer of that year to do the ground breaking, and then where we also commence the construction, so we're very excited about that piece. And then we would hope to complete the construction in the fall of 2015, a couple years later. So with that I, Mayor, I want to conclude. But before, I do want to take a pause and you might, I believe you're going to be recognizing the team but I will say on my behalf, from both a professional standpoint, and personal, I would like to take a motion to recognize the team that has been very intricate and been very hard working and I can tell you that they're working not only on your behalf but every citizen's behalf on this project, the team has been led by our director in libraries, Brenda Branch, our project manager Cindy Jordon and the great team we have, both the joint venture teams, said Bow Yen and David Lake and with that I will conclude, Mayor and turn it over to you for any which questions.

Thank you. I do want to recognize those of you who have spent so much time on this in the last few months. Working with a very difficult task, actually, because as you all remember, bond money was authorized in the amount of \$90 million to do this project and we very quickly found out that that was really not going to do it. So the challenge was ahead, the financing plan and how we do this and doing it the way we have, coming up with the library that has room to grow for the future when we're twice as big as we are now, population of Austin is, we may need to augment this. But I think it is important that we take advantage of this unique opportunity to build this library and build it now. We have, we couldn't think of a better location on the banks of Shoal Creek and Lady Bird Lake. But I do want to recognize the city manager, I know he put a lot of team in on this and of course, you, Bert, you've worked hard on this, I know, acknowledging also Howard Lazarus. There is not even here and getting recognized, but pass the word on to him. Cindy Jordon, and Brenda Branch, of course, head of our library department. You can wave your hand. There we go. John Giliam. Thank you, John. Heidi see. Heidi. Fred Evans. I'm having a hard time reading this. Fred, thank you so much. Thanks to all of you for a job well done, and as we all know, it is on going. So we expect the same thing from you in the future that we've contributed so far. And of course, our intrepid architect who came to us so highly recommended and come up with a design that I thought it was city hall adjunct when I first saw it. It is very nice and we appreciate the great work that you've done.

If I could, I won't repeat all of those names, I've expressed my appreciation to all of the people mentioned here who have been involved in the project for so long. Just, you make us all proud with the

work that you've done to get us to this point. There is someone that we did mention, the mayor alluded to them and you know that we're a little short on funds not long ago and I think we've started out with about \$90 million, and of course, this is \$120 million, and we're very confident about doing this on time and within budget. But I want to acknowledge leslie, our chief financial officer and her staff. Greg and others, who work real hard and creatively, I mate add, to help us if you go out how to build the budget to the point that we can afford to create this amazing vision that you just received a presentation about. It truly will be an outstanding library for the future so thank you all very much.

Thank you. And of course, leslie appreciates the creativeness here, but knowing you as well as I do, I know that you don't want to get too creative [laughter]

council member martinez.

Just want to also never, ever forget to thank our citizens who actually voted to indebt themselves to pay for this library and the library foundation who has been a bug ali and supporter of ours but mostly the citizens who continue to support the initiative and value to the citizens and look forward to seeing this on lady bird lake. Thank you.

Council member morrison.

Thank you. Certainly, I want to echo all those things and start by saying I don't know how we can wait until 2015, it is very competing to think about that being over there. I do have a few questions that i would like to ask and I'm not sure if it is going to be, who is going to be best to answer but please feel free to chime in. So we talked about the library like library of the future and I understand, you started out by talking about, you know, kindles and ipads and cell phones and things like that. Is there news at this stage where design wise we're looking at technology of the future or how we're maintaining that openness to be able to be you, to accommodate and grow and evolve as technology grows on evolves?

The most critical thing, as i said, is flexibility. All of these devices operate wirelessly so plugging in your compute terse get dad is data is no longer important, power is important. Initially, we will have to provide plenty of power. But most important, we don't know what the infrastructure will look like so there will be the ability to relocate or add new data banks or or new facilities or wires without tearing the building apart so that is fundamentally the way to this goes to the same issue with respect to mechanical systems. Mechanical systems we're installing today are more efficient about a factor of five than before, but 20 years it from now they will probably be better by a factor of 20 so we will probably be replating mechanical equipment because it it will be so much better so we have to support that, as well. That is really what changes in institutional buildings in the last 15 years and is that really how we will future proof. None of us imagined the take off of 9 ipad, but our library futurist believes we will live on the cloud and using our cell phones to download books. I can't read them that small yet but we have to be prepared for those changes.

You will have a bionic eye by that time.

One more thing about that, when we talk about changes, the designs has the under-floor raised building for access to the mechanical and technology and it frees you up to change so there is no load-bearing walls, very few walls that can't be moved, except these three cores. So that really guarantees flexibility. And that's, according to everyone, of course, how many libraries? 14,000 Or something, they know the one constant is change in libraries and being able to adapt to change.

It is a lot about the be grungy die tales we don't see when we look at the beautiful picture as soon as absolutely not.

I did want to add something. When we talk about the library of the future, we, it has a specific purpose

associated with that and we should all be very proud in terms of the cutting edge aspect of it. When we look at libraries across the country, we've only found in the world, we've only found one other facility in Amsterdam that has all the elements of what we talked about here in terms of high focus on technology, the layouts, so to speak, and all of that. In different libraries there are elements of it, we have some here like Twin Oaks would be a good example where there are some elements and this is the entire package with a lot of the features that we talked about, social gathering places, blended spaces, the day lit use, all the various technologies and different things like that so I think Austin should be extremely proud of the piece or what we've talked about here, because I think it is pretty cutting edge in many accounts. -- In many respects.

Another question about the design, it looked gorgeous by the way, so inviting and being able to sack access it from all different spaces. You mentioned there is not that much room on the plot of land, so the outdoor spaces that aren't taken up by the building are rather minimal. Do you envision, and so I was lacking, for instance, at the ground floor outdoor spaces, you do envision those spaces as destinations in and of themselves or just to walk through get to the building, inside the building.

That is a great question. You think the building income order for it to be -- really, imagine the building to be part of a citizen's daily routine, go down the hike and bike trail on the weekends, there is a lot of people there, a lot of events going on so the library has to be an extension of the hike and bike trail so the space that leads up to the front door from the hike and bike trail, we mentioned tables and chairs, the event forum, you can imagine this great room that seats 350, when the ACL is going or when a different event is going, that room flows out through the porch to the hike and bike trail. So we don't see a kind of a break between the library afternoon the curb. The character of the building flows out and really thinking about that, the hard scape and the soft scape, and while we're tight to our property lines, we're really thinking beyond the boundaries and look forward to working with the team that is going to be dealing with the Shoal Creek improvement, late those together. And we're already working with the team on the C-Homes to make our connection on West Avenue a really wonderful festival so all these elements become effectively a venue for events. And here today, without the library there, there are things happening so when this is here it will be even more so. But is a great question. An important question.

It is also a credit because Bert and Howard both have worked ment while our property line doesn't extend to Shoal Creek, the activity and the view is so there is a separate team working on that but they've been kind to include us in the conversation so that even though our site is small, the ability to borrow, if you will, from what is around us is also provided by the process.

Thank you for that. And we passed, I was thinking back to a resolution we passed almost two years ago, it was mainly directed to parks and trying to get some goals in place, you know, a park within walking distance 6 everybody, at least in the central coring, but there was another element to it that asked the city manager to investigate opportunities for the inclusion of small or innovative play spaces for children in public surprise e surprises utilized by families, sump as city e city libraries, so I was wondering, particularly inside, looking at the youth area, that that would be considered, have you given any thought or plan to give thought to the idea of sort of innovative play spaces for that outdoor, the outdoor open areas and connection areas for kids the. We're not talking swing sets here, there is a lot of great public art to encourage activity and engagement with kids.

Yeah, again, there is great opportunity on Shoal Creek. And we imagine there potentially being amphitheaters and ways of going from the library down to Shoal Creek and having outdoor showings of movies and music and all these elements. The more much itself is quite deep. 30 Feet deep. The porch that leads to the event forum. You can have the invents and then another on the porch and that porch can have all kinds of interactive opportunities on it. Atrium itself was designed so that when a bus load of kids comes in, 55 kids, they can set on these seats and see demonstrations from the zoo and wildlife center or what are, so we see it as a platform of education for all kinds 6 kids and families. That is part of just thinking of it as not just the stopping of a building and in the hard scape but really thinking about programming the inside spaces and the outside spaces to speak to one another. And we have tea had a

nice discussion with the c-home developer to the west of the building and in front of the c-home power plant so we can imagine having great conveniences, tents for the library festival so you have to think about all these events that go around the building and how they flow out of the building and it is great fun thinking of it. That is how we led to the three front doors, we saw three different, unique opportunities, often together, sometimes alone but, so, yeah, I think, again, that is perhaps the outdoor space is usually important.

That sounds great and it sounds like it all will just be a very vibrant place with so much going on and I think also this probably contemplates the idea of just for the kids that is passing through, not necessarily going to an event but just on their own to have physical items there to physically engage with as they wait for their dad to go in and check out a downloaded book. Anyways, I would encourage you to look at that. One last question, sort of a nitty-gritty question, we have the great opportunity for the bookstore and cafe and I understand we will be leasing that out, we're not going to go into that ourselves, and I hope we can have some conversations about what kind of lease terms we will be talking about. And ensuring that we're really building it for that use, because we have an experience with city hall, we'll still be working on the retail space, is probably going to need some changes, but also questions raised about what expectations the city has in the lease terms and whether they're really something standard that one would expect downtown so I want to make sure we don't set up any barriers there.

Like I say, the restaurant designed big enough to really be a working footprint but it also has a big platform out for the spectacular views to Shoal Creek so we imagine a lot of the square footage is actually outdoors on terraces, so I think there is a lot of amenity to draw really great providers.

Thank you very much. It is a very exciting design.

Again, I echo everybody and the great job you have done. We talked a lot about ground floor retail, but, and c-home, but I know that across from c-home there is a wall and I'm wondering about how much thought has been given about ground floor retail along that area. There is a wall, a substation wall project. C-home is cornered on West Avenue. One of the great challenges of this project I neglected to point out, we also have a car entrance, which is a garage, an entrance from West Avenue that slides down into two levels of parking, underneath the building and that comes off the left and we have to deal with significant service, we have library trucks and the need to exchange a lot of books, as well as the services for the building, and it is like we have this perfect spot, not a back door to this site, unfortunately. So we just chose the West Avenue to be the least offensive place to put the services to ramp down to the car, but we did try to energize the street by placing elements that look west on West Avenue and engage West Avenue so it is not all service related. It is only about half of the length of that building is really service related and it is kind of tucked away. We have talked about two c-homes and the developers about the movement back and forth from their project to our project, the lawn, major retail entrance from the c-home on the second street and we will continue that dialogue to make that as good a connection as we can. You're right, that's been a challenging part of this project because we just don't have a back door. We have a front door everywhere.

I'm glad to hear that you're addressing it, because it is very important. Let me ask you another question, because we talked about access to the streets and a little bit about the neighboring lots and the garage. Will the garage open to the retail or on the street? I think it should be more like city hall to make it more pedestrian-friendly.

Again, that is absolutely -- we took a cue from I think this garage works really great in terms of creating a direct wide parking amenity for all the citizens after hours, so our garage is also designed the same way. There is actually a stair and elevator from the garage that goes up and empties out on to Cesar Chavez and there is a north elevator that takes from the garage up and into that on the second street. So the garage after hours is available as part of the district wide parking strategy, so it becomes an amenity for all we're showing the butterfly garden, green roof on part of the project, we have an alternate if the budget allows us to do a little bit more green roof. Part of the design is to bounce light

so we have to balance a morally flecktive roof to help bounce more light down so we will do a little bit of green roof, a little bit of bouncing of light into the atrium so we're doing a little bit of both to provide a great day let building.

The roof provides a lot of services. We're looking at a lot of opportunities for greening up the building.

Thank you.

Council member riley.

I want to joan nigh colleagues in extending may thanks, it is really an competing presentation. A few questions on the design. On slide five, we have a red line showing the current access routes for bicycles and pedestrians along the shoal creek actually and the lance armstrong beakway, those leans are a little harter to see on the subsequent slides, session and seven, and I want to make sure that we intend to maintain those same routes, more or less the way those trails exist today.

It is well away from the hike and bike actually and the lance armstrong bikeway so that element keeps that in tact, and we're acknowledging the current ramp that goes underneath the cesar chavez bridge that links you to the lady bird leak so all that routing stays in tact. So really, our property line doesn't incumber any of the hook and bike trail elements as they exist today. However,s question was asked, how do we mention the hike and bike trail -- merge the hike and bike trail with the environment so there is a desire to have the hard scape and soft scape merge and keep the integ rett of that bike way, depends how fast the bike is going, sometimes it feels like it is a freeway, but you have to also imagine this is going to be an incredible destination with lots of families and kids, and so slowing down lance armstrong bike traffic is kind of a cores purpose, too, to avoid that kind of conflict. In terms of maintaining the integ rett of the open space, we're not taking away any more open space by virtue 6 doing this. We're going for the existing fence line pulling back from it on 2nd street to create the handicap ramp down to the shoal creek, hook and beak trail, and we're pulling back at the center of the building to create spaces for sigh plus trees and big trees to be -- cyprss trees and big trees to be planted to make the building set in the landscape of shoal creek.

On slide six, on the eastern edge ofs building, there's what looks like some sort of ampitheater, a structure, the semicircles, can't tell exactly what that is. Is that a well around that tree?

Yeah, those are actually -- it is hard to read but those are, that's the, some of the soft scape and hard scape that hasn't been designed by making the linkages back to the hike and bike trail. We know the porch is going to be hard scaped so you can set up out there. Once it moves past the porch, we imagine both soft scape and hard scape to make the transition from the building to the landscape.

I notice that level one features that bike porch on the northeast corner which is kind of a cool 46 sounding thing, i don't think we actually had experienced with that and i looked in the slide session shows that on the northeast corner and when I looked on slide 18 at the visual, it is kind of hard to see that feature, even though it is looking at that angle.

You're really getting into this. You're really looking at this thing. [Laughter] it is hard to read because what happens is the site slopes 1 foot 12 feet from cesar chavez street, it is under the terrace ofs restaurant but it is still opening straight out to shoal creek so it is still, it is not under ground at all. We call it a bike porch because it is not conditioned, it is open air, but contained so it is secured with fencing all the way around so you know the issues of bike storage and containing the beaks in a nice way. And we imagine there is an opportunity there potentially for someone to be a bike concierge who can deal with the bike storage, fix a bike if it is broken. One can imagine there is presentee of entrepreneurs in town that with a love to have that spot.

A nice spot for a bike sharing kiosk. All sorts of things. What is the ceiling height is this.

12 Feet so probably clear, probably 11-foot.

Okay. Great. Following up on the mayor pro tem's question, you were talking about the western side, and noting that we don't currently have an elevation showing what that side would look like. comes back to council for approval, do we expect to see some elevation keating what that side will look -- indicating what that side will lack like? Look like?

Yeah, we can show the west elevation. It is even more handsome. We didn't want to show you all of this, we're building to a crescendo. We can show you what that west side looks like. It does have a lot of the glass at the street level so that it is not an opaque wall at all, even though we've got service for three trucks and the ramp down sort of parking, we still have a lot of the glass on facing west. So minimizing heat and balancing that is important. That is a critical elevation, you're coming into town and you pass the plant that says the city of austin power. We want to say city of austin, knowledge. I thought that was good.

That is good.

You all are a hard group.

That is great. There will be one access point to enter and exit the garage.

Yes.

And we're trying to limit, one of the great problems, unlike this building we just kept the cars coming in of one side of building, curb cuts there for that, trying to minimize the impact, we know what is going to happen, west avenue is going to become a major pedestrian way, particularly when the intermodal and transit things started happening further north, up the street, and second street, linkage from second straight to cesar chavez start being coupled tote for events. It is not hard to imagine when this building is built the things that revolve around and WHEN IT IS CLOSED, 2nd STREET Is closed, events begin to happen back and forth 2 is very important to link these in a very comfortable broad sidewalk, so we're showing broad sidewalks around the building.

How many spaces in the garage?

200.

Thanks again for all your work, this is very exciting.

One of the critical things we forgot to add to that list, our sustainability officer has been integral to this project and you can tell there are a lot of elements includes on that and she spent a lot of time with the team and I want to make sure we recognize her because she worked hard on this.

I think I saw her earlier. We're fully aware she has been engaged on this. Councilor riley.

I thought two of things i would like to ask. First, there was some talk earlier about the utility lines and I was looking at the visuals to see if that is an issue. Are you all satisfied that we have addressed that satisfactorily?

Well, I think we're still waiting to get that final alignment for where those power lines are, but if they are aligned where we want them to be aleaned overhead, I don't think 2 is going to be an issue at all. How

is that for an answer.

At some point you think becomes clear where those would be that the visuals will include that so we have an idea how they are related. Especially the outdoor seating, if there are utility lines that affect the experience then we ought to see that.

My understanding is those lines on the eastern side were supposed to be buried under ground.

Well, the council may recall, that was the issue, but not too long ago with he did issue a memo to council in regards to the whole challenge with the under ground power lines in terms of not only the cost but also the visual impact, as well as infrastructure impact it was going to have on the creek itself so we did issue a memo to council advising we did have concerns about that and we came up with the alternative working with sue edwards and the team in terms of working with the overall development in terms of shifting the lines a little bit further east, towards, across cesar chavez to be able to avoid a lot of those challenges. The big issue with that is the fact we're talking about extremely large and very hard to bend type of power lines that are not easy to just simply dig straight in in the ground and let them surface straight up. The plus, add more poles with additional arms that we felt like 2 was going to take away from at the aesthetics in that area.

We have certainty about the location of those lines. Will there be showers for employees in the building? I see some nodding in the audience okay, great, thanks.

Council member tovo.

I want to quickly echo council member morrison's suggestion that outdoor spaces for children be designed and integrated into the thinking and we hope you can continue that dialogue, certainly the porch seems like a great opportunity and to-ing everyone some of our discussion earlier, the families and children report that gave rise to the resolution, contemplated not just sort of lawn spaces and play grounds by small moments, interactive art and other ways to engage children. And so I also was really very pleased to see the butterfly garden at the top. That is a great way to not only offer a child friendly feature but to connect, use the library to connect the citizens and especially children back to nature which is a rising area of scholarly discussion. So that's all great and I want to say too, this is a tremendously competing project and I thank you all for your work on it.

Okay, thank you very much. No one has signed up to speak. Number 30 was pulled by councilor martinez.

Thank you, mayor didn't mean to drag it out this late in the day. Staff is waiting on this item. It is one small, minor amendment to the item as we discussed in our work session on tuesday i just think on second thought, one of the items we funded we felt like we probably should have held a little more restraint and we can still fund it as an 2011 funding level opposed to what is currently in the item which funds it about 300% of what the 2011 funding level was. And so we're asking everyone to tighten and everyone to potentially request and/or receive reduced funding, so i will amend this motion and the figure that i'm amending is the 70,540 figure for immigration counseling and outreach service to change that to 21,425. And then the \$49,115 would go to our fund balance and we will apply that coming back on october 6 to the remaining unallocated funds in the 2012 budget for social service contract.

Motion by council member martinez to approve item number 33, amended amount for counseling and outreach services as stated. Second by councilor morrison.

I would like to comment since it was my motion in the first place that set it at that higher level and I think it makes sense, as council member martinez mentioned, we exercise country restaurant and as we try to fill gaps and help with the transition that we work toward their organization's 2011 levels

opposed to what may have come forward in an rfp so that's what we're doing here is changing it from that, to the 2011. And I did want to reiterate what council member martinez mentioned on tuesday, that there will be a special called meeting for public health and human services, next week, I believe, to consider the unallocated funds, and hopefully then we will be able to bring it to council the first week of october. So we will have an opportunity to discuss this and get more public input at that point.

Further discussion? All in favor, say aye. Opposed say no. Passes around vote of-0, excuse me spelman 069 dais. -- Off the dais. Item number 52, no speakers signed up so we can go to that item. Pulled off the consent agenda by councilor morrison.

This is to spend the coming months talking about water rates and how we might get a graduated revenue responsibility fee, and I wanted to just clarify a couple of things with staff, if I could, because I have some questions about the scope of it. It is going to, what is contemplated in the resolution is to go a bit beyond what are the, what should the new rates be but really to look at other issues in terms of improving financial stability of that water utility. And I know that one question was whether impact fees would be discussed and that is specifically mentioned in there, but the other questions, if you could help me with greg, one question was, would it be an opportunity to look at, perhaps, any flexibility in the cip schedule. I'm not talking water treatment plant number four scheduled, but other cip scheduled because that does affect the financial situation of the utility.

Sure, we could include, obvious lies cip and debt issuance, drives a lot of our long-term costs and I think that would be an opportunity for us to not only educate the commission members participating in this but get some input on the kind of options we may have for our cip over the next five and 10 year as soon as okay, great. It is going to be the resource management commission representatives from the resource management in addition, water and waste water and the impact advisory. The last clarification was, we did ask that the discussions consider the fee for all customer classes and the question was, can we also look at whether it made sense to have fees for the customers.

I don't see a problem with that either.

Okay, great. Thank you. With that I will move approval.

Counsel I willer marketson move -- councilor morrison moves to approve item 52. Discussion? I would just add, and this is not a part of the motion but as additional direction to staff, no time limits attached, we also apply the same principal to our other fees that we charge on the telecommunication bill. Drainage fee, public works fee, and I believe we have already looked at the trash department fee. But all the fees on the utility bill apply the same principals so they can be -- can we do that as added direction, not part of the motion? We're not supposed to do that. We discussed it in a work session and the answer was question. All right. [Laughter] help out a little there. All the in favor, say aye.

Sorry, I will make this very short. I want to say we have received feedback sense we passed the budget about the way that the water rate increase will impact, especially the users on the lower end of that so this is an attempt to look at those rates and make sure that they are, have as little impact on those who are really conserving water and using as little as possible so I'm very happy to be a sponsor on this item.

All in favor, say aye.

Aye.

Opposed is a no. Passes on a vote of 6-0, council member spelman off the dais. That brings us to item 35. Pulled for -- one speaker signed up. Clay dafoe.

Thank you, council the much range, citizens of austin, ladies and gentlemen, I'm proud of you for being here today. Number 35 authorizes negotiation and excuse of the amendment legal services agreement with the law offices of randi levitt to provide legal services to the open meetings act issues. If I can get that put on the screen, great, 35. Public information act issues and records retention issues to increase funding in the amount of \$80,000 for a total contract not to exceed \$203,000. Funding is available through the fiscal year 10-11, offering budget of the law department, also, this is to authorize negotiation, execution of an amendment to an agreement with tomorrow tonights llp to provide legal services related to the texas open meeting actish you, public information act issues and records retention issues for 75 of it k for a contract amount not to exceed 16 s \$3,000 so it added up -- \$163,000 so it adds up not to exceed 3 363 all together. It is crucial, the way law is today it is very difficult to maneuver around all these laws. I understand why you're doing it but I just don't think that it is necessarily a right to have the public money to use for your own defense. I mean, yeah, you're a public official, so yeah, you want to have council, you want to have those things nailed, nipped in the bud and not and disturbance to you but I don't think it is fair to use the people's resources against them. I know one of the -- I believe one of the plaintiffs in one of these open meeting act lawsuits, brian rogers, I mean, he pays taxes in the city of austin and you're using his money against him to feet him in court. I don't really think that is fair so I won't take much more time but randi levitt, I think he was a former prosecutor, if I'm correct, but I'm just seeing way too much reliance on law e law firms here. I know each meeting he come here and say, hey, don't spend 100,000 on this firm or that firm, he can name them all, I've named them before and I'll name them again, but as your con instinct went, I instruct to you vote no.

Clay, I believe the next item we have you are the only speaker, item number 41.

We have a vote and second on 35.

Yeah, that one first.

Council member morrison moves approval, do we have a second? Council member tovo moves the second. All those in favor, say aye. That passes on a unanimous vote with council member martinez, mayor leffingwell and council member spelman off the dais. You are up, ice emnumber 41.

41 Or -- oh, 41 the. I'm sorry. All right, 41, I'm trying to find 2 in front of me, I have so many papers here, so much going on in austin, I'm sure you all know and realize it, but 41, let's see, let me read it if that is already, I'm already owatonnaing time here. 41, Authorize negotiation and excuse of a one month extension to the existing agreement and new 11-month agreement including five 12-month extinction options, if those are, you know, enacted, that is seven years, with the urban renewal agency of the city of austin relating to roles, responsibilities and processes for the redevelopment of east 11th and 12th street revitalization project. Now, I don't know if any of you guys ever venture to east austin, I do a lot, I love east extent, such a cool area, especially east 11th and 12th street. I love riding my bicycle up that massive hill, getting over to the east side and seeing the interesting stuff. I'm sure you know with victory grill, some he is store I can businesses that have been -- historic businesses that have been a part of austin for decades and made it a great pleas to life. What is the urban renewal agency, please? Could someone explain that to me real briefly, if you're willing to? Well, if you're e on city council, I would hope you would know what the urban renewal agency is. I hope to get more than silence out of you guys. I don't have time to research all this stuff but it is obviously another government or government sponsored agency that is going to do social planning for east austin. I am about the free market, i want east austin to develop naturally, not forced projects going on there. We're seeing urbanization in this neighborhood so there is a big, huge apartment block put up on san marcus street, I don't have anything against it but we need to be cautious and realize these things are going on in our city and I don't think we should grant them this authority. Were are we doing a contracted urban renewal agency? Doesn't austin city council already have the authority they knead to oversee and make sure all the zoning is proper? Isn't that really the only duty involved here, it is not necessarily planning this business here, this corporation here, this big building here, no. You have the right to zone things and that's fine, neighborhoods should speak about these kind of things, but I don't believe that the urban renewal

agency knows any more about east austin than i do. And I'm just a lowly citizen, I'm a nobody, so I mean, I think these are decisions that should be made by the citizens of austin. Let's have a public hearing. What you do want out of the east side? I would love to attend that and be involved and many people setting here would be really interested and are will come up with some great ideas so let's not surrender authority though this urban renewal agency which no one here obviously knows nothing about, thank you.

Time is expired. Those are all the speakers we have. Is there a motion on item 41.

Yes.

Council member riley.

This item would authorize the negotiation and execution of an agreement to repleas, essentially, the try party agreement we ended recently. This is a very significant relationship and let's relationship that we have had with our urban renewal agency and I would suggest that at this point while I have great confidence the staff will negotiation a great agreement that I think it is worth bringing it back, bringing the agreement itself back for approval before execution. The urban renewal board considered this recently and had the same thought that they would like to see the actual agreement once drafted, partly to -- well, largely just to get he had indicated on exactly what the new relationship will be. We will have a new agreement that will be in place with this action for as long as six years, and we all, it would behoove all of us to have a good understanding of what the roles of each entity will be and how it will are proceed, especially with the renewal of a lot of interest in this area with the on going process that is going on there right now the. So I would move that we approve this item with the change that we only authorize negotiation of the long-term agreement and would come back to us before execution.

Motion by council member riley to approve an amended item 41 with negotiation and not execution. Second by council member morrison. I would just like to ask staff, before we go ahead with this, is there they problem with, i notice there is a bun-month existing agreement. Is there a problem with running out of time here?

Director of nab housing and community development, I don't anticipate a problem. We recently got the draft and so we're all reviewing it and so the urban renewal board will cat they're red next month. The next meeting is october 17. The current temporary agreement does expire on september 30 so we're asking for the one-month extension with the hope that we would be able to execute the permanent agreement next month. So assuming we're all able to do that, I don't have any indication that we won't, then we should be able to bring this back to you on or about october 20 to execute.

Do we need to authorize the negotiation execution of the one-month extension with execution of the remainder with options during the month of october to keep from you running out of time?

You're asking me on the temporary, if we need more than one month on the temporary?

I'm asking you, if -- since you're going to run out of time on the existing agreement, negotiation and execution of the one-month extension, and then negotiation only of the additional 11-month with options in the future.

We would need the one-month extension, yes.

And mayor, if I may, that was really my intent.

To accept that as a friendly amendment.

We go ahead with the temporary agreement but for purposes of the long-term agreement, execution on that aspect of it would come back to us.

Okay. So motion and second with a friendly amendment accepted by the second also. Any furtherers discussion? All in favor, say aye. Opposed, say no. Passes on a vote of 5-0 with council members martinez and spelman off the dais. Congratulations, that finishes our morning consent agenda. So I think we can go to our zoning cases. Mr. againsty.

Mayor and counsel, planning and develop. Review department. I would like to go through the 00 zoning ordinance and restricted covenants items, these are where the public hearings are closed. The first item is number 59, c14-2011-0049, pioneer hill. This is to approve second reading only for the property located at 9900-10324 dessau road. Is this to identify the rezoning 0 mf-1 for tract one. Sf-of for tract 2. Mf-3 for tract 3, and community commercial gr district zoning for tract 4 and li district zoning for tracts 5-a and 5-b. I understand there is one council member that would like to clarify with respect to an access issue and with that clarification we can leave it on consent.

Second reading only.

Any objection?

If I may, mayor.

This line item 59, I would like to clarify the amendment that I proposed on first reading, we've had some further discussions about it with the applicant and staff to nail down exactly how this needs to be framed. And so based on those discussions, I would like to propose that we require access-to-the development, brown lane, and more specifically we included following four terms. First, it directs street connection it will not be required, number two a cul-de-sac turn around look required for the pioneer hill tract, none with city standards. Three, the pioneer hill tracts will connect to brown lane at the cul-de-sac by means of a commercial type-two drive way. Fourth that a public easement along the sunshine driveway and through the pioneer hill tract will be required for connectivity for boakes or pedestrians to or from brown lane. The fifth point is the applicant pioneer hills will be responsible for the design, construction and delivery of eat he wills 2-4 in accordance with the city's requirements. Be in other wordses. Accent won't be a regular street, according to regular street standards but a commercial street that will still provide a connection, at least for bicycles and pedestrians.

Item number of 0, -- 60, staff is whying postponement of this item and will come back on october 6. That concludes this portion of the agenda for consent.

So the consent agenda approval on second reading only, item 59 with direction for addition at changes, I believe that has all been noted before it comes back for third reading. And item numberoff, postponed until october 6. And that is the consent agenda so I will entertain a motion on that for those items we already closed the public hearing. Just for clarification, on item 60, there was some question about whether or not the public hearing was open or closed.

The public hearing is open and we'll make sure that it is noted as public hearing open.

So when it comes back it will be up for second and third with the public hearing open.

That's correct.

Okay. Council member riley, did you move to aprove? Second bethe mayor pro tem. Discussion? All in favor, say aye. Opposed, say no. Passes on a vote of 5-40, council members spelman and martinez off

the dais. Now we will go to the items on our zoning agenda where the public hearing has not been held.

Thank you, mayor and council. First item I would like to offer for consent is item number 61, case npa-2011-0025.02. For the property located at 17401 Old Bee Cave Roads, this is an amendment. Staff is requesting a postponement therefore item to your December 15 meeting. The commission will consider, planning commission will consider this item on December 13. We are postponing to the 15. Item 61 is number c814-2008-0136.01. This is for the property located at 122221 North Mo-Pac Expressway northbound and 2311- 2511 Park Bend Drive, this is a change to the planning development district zoning to change the condition of the zoning to the north extent medical center. The planning or zoning and platting commission granted approval as a recommendation on this, on a consent agenda item. This item will be for all three readings. The ordinances on your dais in yellow.

> Item number 73 is case -- 63 is case number 01, Helms Condominiums. 201 East 34th Street and 3307 Helms Street. Staff is requesting postponement of this item to the November 10 agenda. Related zoning case item number 64, case c14-2011-0016. 34th Street and 3307 Helms Street. Requesting postponement to the November 10 agenda. Item then 65, c14-2011-0023, 1601 Cedar Bend Drive. Is this to rezone it to I-2 zoning. Limited office mixed use, conditional overlay or low-mu-co combined district zoning with conditions and this is ready for approval on all three readings. Item number 66, case c14-2011-0055. For the property located at 12502 and 12504 Tomanet Trail. Dave Kessler, the owner of the property just came up to me and I spoke to him in the foyer before we started, he has asked that this stay on the consent agenda but to ask the council to direct this item back to the zoning and platting commission. He has added and amended request for mo-mu and would like their consideration before you hear it and with that direction I think we could probably leave it on consent and then we would go back to commission and renotify and let them consider the amended request to mo-mu which they did not consider previously.

Consent on first?

And that would be for first reading but to send it back with that direction and it would come back at a later date.

Okay. So what is the action? Postpone or what?

Basically, you would just be directing us to send it back to the commission. There is not an action to take as far as approval or postponing it. We renotify when this comes back to you at a later date. With day it is everring it from the agenda --

that's what I'm looking for. Item number 67 is case c14-2011-0061. The property located at 3635 North Hills Drive. Staff is requesting a postponement of this item to the October 20 agenda. Item then 68, case c14-2011-0062. For the property located at 8501 Bluffstone Cove. Gr-co combined district zoning. Can is recommended for the gr-co zoning and rural residence direct zoning and this is ready for consent approval on all three readings. Item number 69 is case c14-2011-0063. The property located at 41001 East 52nd Street. Is this a zoning change request for community commercial, combined district zone, the planning commission recommendation was to grant community commercial neighborhood planning, conditional overlay or gr-co-mp combined district zoning and this is ready for consent approval on all three readings. Item number 70 is case c14-2011-0068. Property located at 2611 Park Bend Drive, 9221 E. Us 290 Hwy and 7800 Johnny Morris Road. To zone the property to key public district zoning. The zoning and planning commission recommendation is to grant the public district zoning and this is ready for consent approval on all three readings. Item number 71 is case c14-2011-0069. Property located at 1701 Scofield Lane. Recommendation to grant the go-co combined district zoning and this is ready for consent approval on all three readings. Item number 72 is case c14-2011-0071. Rezone the property to general office mixed use conditional overlay, combined district zoning for prompt located at 707, West Slaughter Lane. The recommendation was to grant the gommu-c so combined district zoning and this is ready for consent approval on all three readings. Item number 73, case c14-2011-0072. For the

property located at 8915 anderson mill road. This is to rezone the property to community, mixed use. The recommendation was to grant neighborhood commercial mixed use, conditional overlay or Ir-mu-co combined district zoning and it is ready for consent approval on all three readings. Item number 74 is case number c14-2011-0073. For the property located at 12800 turtle rock road. The zoning and planning commission seas recommendation was to grant multi family residence, medium density, conditional overlay, and this is ready for consent approval on all three readings. Idea emnumber 75, case c14-2011-0074. This is for the property located at 5502 johnny morris road. P-public district zoning. Recommendation to grant the p public district zoning and ready for consent approval on all three readings. Item he will number 76 is case c14-2011-0075. For the property located at 820 west yager lane. This is to zone to cf direct zoning. We have a neighborhood request to postpone this item to the october 20 agenda. Eat he will number 77, this is case c14-2011-0076. For the property located at 2707 o'neal lane. Zoning question change to general services. The recommendation was to grant the cf district zoning and this is ready for consent approval on all three readings.

Consent agenda, for those items we have yet to hold a public hearing is eat he will number 61, postpone until december 15 to close the public hearing and approve on all three readings item 62, postpone item 63 until november 10, and to postpone item 64 until november 10, to approve, close the public hearing and approve on all three readings item number 65.

And mayor, on item number every, actually we're going to request for an indefinite , not request drawl, because of issues related to bringing the application back amended but that direction to go back to the zoning and platting commission.

So continuing, item number \$66 is postponed indefinitely and item 67 postponed until october 20. Close the public hearing and approve 0 on all three ratings 68, 69, 70, 71, 72, 73, 74, 75 and to postpone item 76 until october 20 and to close the public hearing and approve on all three readings item number 77. So that is the consent agenda. Entertain a motion for approval. Council member spelman moves approval. Second by council member morrison. Any discussion? All in favor, say aye. Close ever opposed say no. Passes on a vote of 7-0.

Mayor and council that conclusioned the zoning map changes forest city today.

Very good work. So, council, without objection, we will now recess this meeting of the austin city council and call to order a meeting of the austin housing and finance corporations. Take us through the consent agenda, please. after, treasurer of the extent housing finance corporation. I offer the eight items on the agenda for consent, unless you have any questions for me.

For the consent agenda for the austin housing corporation is items one, two, three, four, five, six, seven and eight. So I will entertain a motion to approve the consent agenda. Mayor pro tem so moved. Second by council member spelman. Any discussion? All in favor, say aye. Opposed, say no. Passes on a vote of 6-0 with council member 60, or school board member 60 off the dais. Thank you. So those of all the items on the agenda for the austin housing finance corporation. Without objection, we stand adjourned. I will call back to order this meeting of the austin city council. Council, I believe these are all the items we can condition until our time certain of 4:00 p.m. 6 City clerk?

Yes.

Without objection, council, 00 p.m.

Mayor Leffingwell: We are out of recess so we'll go 00 public hearings and possible actions. First is number 79. Mr. guernsey.

Thank you, mayor and council. Greg guernsey with planning and development department. Staff is

requesting postponement of item 79 which regards an amendment to our code regarding open space to OCTOBER 22nd. And mayor, if I could, I could read through the next couple and we could do them all by consent for postponement.

Mayor Leffingwell: Yes, go ahead.

Item number 80, we actually have an applicant has requested a p. Postponement. He could not be in attendance which has asked number 80, appeal of an outdoor music permit, they've asked for postponement of this item to your october 22nd agenda. OR 20th, AGENDA, THANK YOU. Item number 81 is conduct a public hearing with regards to modifying parking requirements for properties in the downtown area. That's a staff postponement of this item to your october 6th agenda. And then items 82, 83 and 84 are all code amendments dealing with the building code, the mechanical code, the electrical code and plumbing code and staff is requests postponement of all four of those items to your october 20th agenda.

Mayor Leffingwell: So council, let's call this a consent postponement agenda for the public hearings. Postpone until october 20th items number 79 and 80. Postpone item number 81 until OCTOBER 6th. Items 82, 83, 84 and 85 post OCTOBER 28th. Is there a motion to -- to approve those en masse by councilman spelman, seconded by the mayor pro tem. All in favor say aye. Opposed say no. Passes on a vote of 7-0. So that brings us to item number 86.

Yes, thank you, mayor and council. I would like to introduce george zapalak and he will present this.

Good afternoon, mayor and councilmembers. Item 86 is an appeal of a planning commission decision to denight site application for a cocktail lounge known at the dram shot at 907 east sixth street. The proposed development is a 2500 square foot building on existing vacant lot and it is located approximately two blocks east of i-35. The proposed development will include one handicapped accessible parking space on site and 18 additional off site parking spaces located in two existing parking lots just over a block away at 901 and 905 east 7th street where they are shared with office uses. The applicant is also requesting approval of a variance to allow parking for cocktail lounges within 200 feet of single-family residences. The single-family structures are located approximately 80 feet on the opposite side of 7th street. The cocktail lounge and the parking are all located within the plaza saltillo district where cocktail lounges are a conditional use. The staff recommended approval of the conditional overlay permit because -- conditional use permit because it is located within two blocks of i-35 and surrounded by commercial and industrial development. We also supported the variance to allow the parking within 200 feet of the single-family residences because the single-family homes are located on the opposite side of east 7th street which is a major arterial, and they are elevated about five and a half feet above the level of the street. The planning commission conducted a public hearing on THIS ITEM ON JULY 26th. They made a motion to deny the conditional use permit but that failed to obtain a quorum vote. They attempted a motion to postpone but that also failed and since no action was taken the application was denied. The applicant is appealing the commission's action to council and asking for approval of the site plan. Your options are either uphold the commission and dethigh the appeal, to reverse or to modify the commission's actions.

Mayor Leffingwell: Before we go, a little bit of housekeeping. Are there any requests for postponement or issues of standing that anyone would like to raise with regard to this case? Seeing none, councilman spelman is recognized for a question.

Spelman: Thank you, mayor. George, I see in the backup that first a motion to deny the site plan failed by a 3-4 vote. I understand that. And then another motion to postpone the case to the followg meeting failed by a 4-3 vote. How do you fail by a 4-3 vote? Do you need five votes according to bylaws?

Yes, because there was one member absent so they did not have a quorum vote. They needed five

votes.

Spelman: To take any action in the planning commission you need five votes, a majority of the planning commission not just majority of quorum.

Yes.

Spelman: Gotcha.

Mayor Leffingwell: Any for questions of staff before we go ahead and hear the appeal? As you just heard, we will -- the actions available to council are to deny the appeal, which means upholding the planning commission recommendation, or to grant the appeal, reversing the planning commission recommendation or to modify it in some way. So I want to make sure that everyone here who has signed up against and for knows if you are against the appeal, that means you are for the planning commission recommendation. If you signed up against, that means you are for the planning commission recommendations. So first we will hear a 10-minute presentation by the appellant, up to 10 minutes. Do we have an appellant in the room? Give us your name and you have up to 10 minutes.

I just wanted to --

Mayor Leffingwell: Just pass them out and they will be passed down.

My name is Brandon, I'm the owner of this project. At the outset of this project I contacted the neighborhood planning team to get them involved. The team set three meetings, the first only one member attended, the second not enough members were present to reach a quorum, at the third the team suggested we build a highrise development on the site. I wanted to work with the neighborhood but feel they are not willing to listen to the merits of each project on a case-by-case basis. The team has created a blanket policy regarding cocktail lounge permits that conflicted codes and creates unpredictable permitting process for small business owners. This project has received city staff support as well as support in the neighboring property owners. I personally walked the east Cesar Chavez neighborhood and spoke with 160 people to gain support for my project. Out of 160 people, 154 gave a signature of support including the amount of time they have lived in the neighborhood. All together these signatures equate to over 2,000 years of residency in the east Cesar Chavez neighborhood. The disconnect is further demonstrated by the fact Suzanne Benz's business project has -- they both office on east sixth street. This site has size limitations which require off site parking. The current supply is only available for evening use with limited hours of operation, I'm concerned the business will not be able to produce 51% food sales and hesitant to make substantial investment into the area knowing there's a risk of us being in violation of code. On September 20 the planning commission initiated discussions on reforming the cocktail lounge policy in the t.o.d. The constitutions revolved around creating a new zoning ordinance allowing for neighborhood pubs which would have a new set of requirements. These new requirements were very similar to the project we are currently proposing for 907 east sixth street. I attended this meeting. Unfortunately there were no representatives from the neighborhood planning team. Our project is in line with the neighborhood concept discussed by the planning commission and I am willing to commit to installing a grease trap on site for our chef partner in order to conform to the potential new standards. is designed to be a special area of density and walkability. People tend to populate and developers tend to develop areas that have attractions such as restaurants and night life. Once larger scale developments are built, small grocers and bakeries residents need to do will be able to fill the first floor retail space included in these vertical mixed use project. Saltillo has -- fifth street consists of block after block of wear highways and fourth street industrial uses. These full city block sites are prime for redevelopment as a high rise or vertical mixed use project. Attacking a single small business owner is not an effective way to solve the problem. I have demonstrated my desire to work with the neighborhood. The neighborhood must allow entrepreneurs to be creative. Every project will not fit into a cookie cutter mold. Such will be hardships to force planning to be outside the box. Yesterday I reached out the neighborhood team again and spoke with Susan

benz. I explained I would like to work towards a solution and feel our project is very similar to the neighborhood pub concept initiated at the september 20 planning commission meeting. I also offered to pledge \$25,000 over five years from our business to an east sixth street arts in public places in addition I will organize and execute an effort to have other east sixth street business owners contribute to the same fund. In order to help the beautification process of east sixth street, the parade of art houses every wrote now, downtown, north and south lamar, south congress and barton springs she but not one art cow exists on east sixth street. As a resident of east austin and artist I want to be part of creating a solution. benz called me this morning and rejected my offer. This concept is not a cocktail lounge, it's a neighborhood pub, where people can enjoy good food, great drinks, soak up the atmosphere of east sixth street and watch the sun set over downtown. I love this neighborhood and hope to serve it for many, many years to come. In addition to that, I also would like to put up a power point presentation really quickly and just go over a few other points. The first slide is actually showing our location. is organized by subdistricts. 907 East sixth street is in the mixed use t.o.d. mixed use allows widest variety of use at a moderate level of development activity. mixed use subdistrict to the east of us allows the highest area of development, ideally a mix of ground floor or other active uses with residential, commercial and/or office uses on the upper floors. We have secured the proper amount of required parking. In addition to site is surrounded by public parking lots. There have been two major developments planned for the blocks east of us. The first is the green star that you'll see there. It's the east austin hotel, a boutique hotel planned two blocks east. The hotel will feature two restaurants, a luxury spa and landscaped pool and courtyard. The block to the east of us is a vertical mixed use project set to break ground in march 2012. This project is going to feature on site structure parking, apartment units and 17,000 square feet of first level commercial space including a restaurant. Coors zone has agreed to reese us parking spaces next door to our site. The history section of the neighborhood plan reveals the casino bar located in the 1,000 block of east sixth street was a cocktail lounge grandfathered in the neighborhood plan. The parcel of land is now part of the larger core zone development and will create a net zero addition for cocktail lounge permits. Currently 907 east sixth street contributes little to the tax rolls. Once complete our project will contribute more than \$175,000 in annual property and business taxes to the city and state. We also anticipate creating a minimum of 15 jobs. This small under utilized site is in the shadows of downtown. This is the view you see when you are standing in front of it looking west. Thank you guys very much. [Applause]

Mayor Leffingwell: Thank you. So now we'll go to those in favor of the appeal, and you'll have three minutes each. Victor asby and mark pontoon had donated time to brandon but he already had ten minutes as the appellant. Would victor like to speak? Is victor here? No? Mark ponton. Mark ponton in the chamber? How about alex jasinsky. Alex jasinsky. Steven salterilli? Betsy stoop. Betsy stoop. Alan gonzalez. Okay, alan, you have three minutes. You are speaking for the appeal.

How is it going? The reason I'm herist because I went through the same process that brandon did. When I approached the -- the east austin association including susan they were very clear that they didn't want a bar, another bar. They didn't want it to turn into west sixth, the other side of i-35. So basically I had to move aside what I had planned for my business, which was a mexican traditional cantina. I wanted to, you know, represent the mexican culture in the best way that I know. Me being from mexico city. But they basically -- they changed -- I had to change my concept, I had to change my hours of operation, I had to go through the whole city to -- you know, the city permitting. I did everything I knew to do to make it happen although my plan changed. Now I have six hours that i can operate a restaurant because limited to parking, limited to construction, limited to tabc permitting and all that stuff. The reason why I'm here is because it makes it very, very difficult to make money and to be able to give something back that's worth anything with such -- you know, all the limitations that we're put under. I'm doing the best that I can right now, but there is no -- there's no -- there's just a hard line that is being drawn right now and it's not very fair to small business owners and people that want to give back to the neighborhood. What's happening right now it's turning all into big huge developments. People from dallas, people from california, those are the people that are destroying our neighborhood, in my opinion. It doesn't leave room for young, intelligent entrepreneurs that, you know, want to create and give something back to the neighborhood and for the future. I restored a 1905 house, you know, trying to make an example to not ruin what we have, to keep the integrity of the neighborhood, to keep the scale

of the neighborhood so it's current. But there needs to be something done about just saying this is a bar and that's it. That's -- I think that's all. Thank you. [Buzzer sounding]

Mayor Leffingwell: Thank you. [Applause] that's all the folks who are signed up for the appeal who are here in the chamber so we'll go to those against the appeal. The way it will work we'll have one spokesman for the appeal speaking for 10 minutes and then everyone else will have three minutes. To speak. So if you are the spokesman for -- against the appeal, introduce yourself and you have up to 10 minutes.

Susan benz, 1101 east sixth street and I am a sector 8 resident and representative to east cesar chavez neighborhood planning team. In january of 2010 our planning team sent a letter to the mayor and city council, planning commission and zoning staff outlining our position against new cocktail lounge conditional use permits within the east cesar chavez neighborhood. The letter stated our plan and vision is a mix of businesses that serve the neighborhood residents, existing cocktail lounges serve more than demand and we do not want to become a drinking destination. The neighborhood plan we find no support in either plan for density in cocktail lounges. Within our neighborhood plan our first goal is to attract or develop businesses that serve essential neighborhood needs. This year we conducted a survey of our neighbors and the top five desired businesses included a grocery store, a pharmacy, coffee shop, bakery, and restaurants. testa has canvassed neighborhood and I would like to give him a nod of respect for his salesmanship and carefully crafted pitch. Another goal of our neighborhood is to create and preserve physical features and activities to reinforce our cultural identity and history. We already have 14 bars within and we do not feel additional cocktail lounge permits supports our culture identity. Due to human error of blanket zoning change occurring in 1988, that changed all the properties on our stretch of east sixth street to cs 1 which are now zoned t.o.d. The zoning maps no longer acknowledge any residences in the t.o.d. This means that a request for a cocktail lounge or outdoor music venue are being approved despite nearby residences. I have two maps. Could you put the first one up? Two maps to show you. This first is my own unscientific study, a survey of current residential uses and current cocktail lounge uses in the saltillo t.o.d. As you can see, the blue ones are existing bars. The pinks ones, red ones are existing residences. As you can see, we already have 14 cocktail lounges and many of them are close to adjacent to existing residences. The second map -- the second map shows the 907 east sixth street location which is in that blue square sort of in the center of the map. With residences immediately across the street and immediately adjacent to this property. Somehow the circumstances missed review and approval process. I'd like to add that the lady who lives across the street has written a letter to be read here this evening. She's been there for decades. I expect you are aware of the july 27 front page article this the american-statesman about the growing problems in east austin with late night parking in our neighborhoods from sixth street revelers. Our neighbors to the north are experiencing a significant increase in late night noise, litter and crime. The rate of car vandalism has increased dramatically in the last several years concurrent with the increase in popularity of cocktail lounges in our neighborhood. Our planning team is not anti-development and we've supported projects that fit within our neighborhood plan. We supported the request by richard coris for the brushy street condominiums and variances for restaurants and late night parking and we are looking forward -- there are new boutique hotel and the arnold oil properties. We also believe the block at 907 east sixth is delectely located for mid to high rise development further strengthening the gateway to the t.o.d. Our planning team has offered consistent advice to mr. testa. We shared our opposition to new permits and suggested repeatedly he open a restaurant and bar. He has been very clear while he agrees to provide a grease trap for some other business owner to open a eatery, he will not be responsible for it. testa in effort to come to agreement offered to sign a contract to provide food at 20% of his expected liquor sales. While we appreciate testa's entrepreneur ial spirit, his series of offers to compromise falls far short of our stated goals and do not appear to be enforceable and sets a troublesome precedent. I expect that you are aware that the planning commission's code and ordinance committee is currently discussing the possibility of creating a temporary suspension of come tail lounge permits in all T.O.D.s ACROSS IS CITY TO Allow them to craft new rules regarding food venue, alcohol, parking, daytime restaurant use and other issues. We really appreciate and support this effort. The new downtown plan calls for the stretch of east sixth street between congress and i-35 to be transformed from its current bar scene to an area that appeals more broadly. Our planning team is

trying to avoid being transformed into that kind of bar scene. The one on sixth street or the newly overcome rainy street and we really need your help. Thank you.

Mayor Leffingwell: Thank you. [Applause] remaining speakers against the appeal will have three minutes and you can donate time. And we did have three speakers, I've Ivan Cook, Christina Valdez and Edith Castle who signed up to donate time to Susan but did not use any of that time because she's got a set 10 minutes. So if you want to speak, I'll give you the opportunity now. Is Ivan Cook here? Do you want to speak for three minutes?

I'm Ivan Cook. At the condominium that would be across the street from the development and I subpoena what Susan is saying.

Mayor Leffingwell: That will do it. Christina Valdez. Do you want to speak or -- I'll keep that in mind if somebody wants time. Edith Castle.

[Inaudible]

Mayor Leffingwell: We'll see if anybody wants your time. So Laurie Renteria donating time is Yolanda Aleman. Is she here? Would you like donated time?

I hope I don't need it, Mr. Mayor.

Mayor Leffingwell: It's here if you want.

I really appreciate the opportunity to speak today. It is to have mixed uses. I want you to keep in mind that this is a single use in a district that the city council negotiated with housing advocates and our planning team for almost two years to get the T.O.D. Ordinance passed. And the whole idea was to have mixed uses and more residences in our area. This little lot is going to stop any kind of potential to do a major mixed use development. Unless they are going to build around 6700 square feet. I venture to mark Rogers and the Guadalupe Association supports our position. And he brought up in a meeting that if one of those residents, and you saw the little yellow boxes on the map, there is a rental house right next to this lot. If anybody who owns those single-family houses, I venture to say even some of our other small businesses like clay works, if they -- if their houses were to burn down and they wanted to rebuild a single use, single story development, city staff would say sorry, this is a mixed use corridor. We're supporting and offering incentives for vertical mixed use. We've got enough bars in the neighborhood. I can speak to the human error. It wasn't only human error on the part of staff, it was human error on our part. [One moment, please, for change in captioners]

Thank you. Thank you. Joe Statin? Joe Statin? You have three minutes.

I'm Joe Statin. I'm a senior rec [inaudible] 5 and I live at RBJ Center. We have met Seferlt with Tessa, he has a very high spirit and concerned with these investments, but clear to him from the beginning that our position was against cocktail lounges and liquor use permit. So he was aware of this. Thank you. Sabino.

My name is Sabino Renteria, democratic precinct chair for 38, which includes all of the neighborhood planning team, the -- from Town Lake to 7th Street. From Rainey to Comal Street, and I'm also a long resident there in East Austin. I also was the past chair and serve 11 years in the community development commission, and my whole goal when I joined the CDC was to see mixed use, high density development [inaudible] the TOD, they call it, district. I spent 11 years on that trying to get the attention of the city. I thought we finally had succeeded when prepassed the Homestead Act, our state rep Eddie Rodriguez, and then when you all passed but then I saw it fail at the county commissioner's level. We're in very desperate need for affordable housing and we need this area developed into density like we have at the Villas on 6th and Martinez Street, which is a prime example of how we can have mixed use

with affordable housing, with density so that we can develop that area so that it goes in with the well system that we have there. We're facing, you know, a situation where we're not going to be able to afford future rail if we don't have people living and using the rail system. And plaza saltillo and that tod area has always been -- to my understanding, and through all my work and effort and my sister, suzanna almanza and johnny trevino -- I mean, john lemon, that we were going to develop that area into a transit oriented district. And we need to keep that. We cannot be populating with little small cocktail districts that we're going to have a lot of problem in the future. We're having extremely -- a lot of problems right now with crime in that area because it's so dark, you know, and the cars are being broken into and these young kids are coming back to their cars and seeing it all broken in, but they're intoxicated and they're afraid to call the police because they might get charged for pi. So we're having a lot of problems, and there's a lot of people that get in the way with these kind of criminal acts because they're feeding on these people that come out there and drive their vehicle to these cocktail lounge where there is no parking. The other young man that spoke here about his restaurant problem, he also wanted to have an off-parking district. I mean, he moved here from mexico about two years ago and wanted to develop -- and that's the kind of problem we're facing. Thank you, mayor. thank you. Council member morrison? sabino, I have a question for you. I'm trying to sort through the issues, and one is bars and the other is single use. So if there were a proposal for that -- for the property that was mixed use and higher density but included a bar, would that still be problematic for you?

I really don't, because i think if we have a bar there that we're not going to have the problem of -- of the traffic. You know, we're going to have a density problem collusion where there's going people -- -- solution where there will be people living with there with mixed use. We're more concerned cocktail bars that are just individual without the density, and I think once you enclose something like that and you build a mixed use facility there, I think it's more attractive to the neighborhood than just having single individual bars.

Morrison: thank you. mark rogers?

Good afternoon, mayor, members of council. Took me off guard today. I wasn't thinking this would actually go on time, so I -- [applause]

I was writing my notes down and flipped on channel 6 and said, oh, my gosh, they're doing it right now. So I'll stop abruptly partway into what I was supposed to say. I am here speaking on behalf of a couple different organizations and also here as an individual who's lived in the area for about 25 years on 10th street. I'm the executive direct ert of the guadalupe neighborhood negotiation corporation which owns property less than 100 feet, about 80 feet, across 7th street from some of the parking that's been proposed for the dram shop. That was proposed 30 years ago by a corporation that was doing pretty much the only development in the area when nobody wanted to build anything in east austin, and we put up housing there and it has served hundreds of families over the years and is serving families right now, and I find it ironic that compatibility is in place for single-family use in the tod, in the mlktod and the -- and the setbacks and heights, unless there's a community benefit like affordable housing. But compatibility in terms of a cocktail lounge parking less than 200 feet away from our homes is requesting a variance with no community benefits here. So I was a little stunned that somehow that can happen and I feel bad not only for the families that are there now if you were to allow a parking lot to be across the street, because I know from having watched what's happening in our neighborhood, that there's a flood of people from the downtown and the true east sixth street district, now that it's become so popular, of people back to 00 in the morning and it goes right on 30 in the morning. You can watch the surveillance cameras in an apartment we own and you can watch the people trickle 30 on, little groups of people, especially fast speed, it's a flood of people coming 20 in the morning. Imagine that as your kids are going to sleep or preparing to go to sleep for taks test the next day or you're trying to get to sleep because you had a long day at work and have to get to work the next day. Anyhow, I'm here on behalf of the neighborhood association, guadalupe association, look for survival, as gloria put it. We fought for survival for years against encroachment of hotels when the neighborhood was losing population and now it's a healthy neighborhood where it seems everybody wants to live and it's not affordable for the folks who used to live there. That neighborhood is sort of under siege the past couple

years from these late night folks. To add another bar into the area makes no sense. To add a single story, single use bar downtown --

you can have three more minutes --

should I keep rolling? This is a rare moment. Usually I ramble and -- three more minutes.

Okay. Thanks. This makes no sense to have a one-story bar. I saw the pictures in here as I walked in. Looking up at the skyline of downtown austin, that's not a good thing. That doesn't make sense. It should be that you want to build a building that somehow complements that downtown in scale and use and density, not just because it's downtown, a bar is a good thing. Another point, it's a little -- I don't know how you put it, odd that we have -- it was pointed out the downtown austin alliance, the downtown austin plan that you folks are considering saying they want to transform east sixth street west of i-35 between i-35 and congress, back into a diverse healthier mixed economy rather than just a bar/entertainment scene. How then can we even consider approving this appeal and saying, let's go ahead and do it two blocks east of the interstate and make that sort of an entertainment liquor oriented district. Don't do to east austin what you don't want done to downtown, that's been done in the past, so we don't want to go back there. I think that's pretty much it. Lorri and I both served on the saltillo advisory group. I was appointed, anyway, i think lorri was by the city council at the time. I tell you, we never even considered such a thing. The battles or the heated discussions we had were could we tolerate 150 feet of dense development within the first couple blocks of i-35 and some of us said, no, we want more neighborhood scale, no more than six stories, so on and so forth. I guess correctly so, we were never asked the question, what about a one-story cocktail lounge? Because again, it's just absurd to imagine that that's something that fits the tod and fits the vision of the future here. So I'll leave it at that. Thank you for your time. thank you. Council member tovo? roger, I have a quick question for you. I just wanted to ask the question that council member morrison asked the previous speaker, are you supportive of a cocktail lounge use if it were within a mixed use building or would you prefer to see no cocktail lounge use on that site, or have you contemplated it?

No, we thought about it. I think sabino put it correctly, if you have a good mixed use project that sort of meets the goals of the tod, a cocktail lounge within that doesn't seem to be out of place. It could work fine. It's going to have to coexist with some other things happening in that same structure. I think the example council member riley pointed out, black star brewery or co-op, it's part of the lamar project there, and, you know, it doesn't -- it has a whole different feel to it when it's part of a larger development. So I think it could work.

Tovo: okay. Thanks. last speaker signed up against appeal is francis martinez. And edith casell is donating time to you so you have up to six minutes. You're the last speaker. You don't have to take it but you got the donation.

Okay. Thank you. My name is francis martinez and thank you, council members, for letting -- allowing me to speak. I'm a member of [speaking in spanish] and also the barrio association, and while we did many of us neighbors did discuss this issue, however, we do support the decision of the planning commission, so I hope that you also -- we all support their decision. And I do have a letter here. Dear council members, my name is menar, valero and I'm the owner of 906 east sixth street. My family rented this home when I was a small child. After I married my husband and I purchased the home in 1967. We raised our family, including six -- six children and 13 grandchildren in this house. Currently my grandson lives with me. I would like for you to know that I oppose the conditional use -- conditional use permit for this dram shop. As a resident across the street from this proposed establishment, I do not want to hear outdoor music or experience the additional parking that has -- that this would cause in our area. I am used to the current activities around my house, the nearest bar is more than a block away. I do not want a bar across the street from my home. Thank you for taking my position into your consideration. Mini ri vair on. thank you.

I'd like to comment we have many bars now and it's time for us to have affordable housing. Thank you. [Applause] those are all the speakers signed up against the appeal, so now we have a three-minute period for rebuttal by the appellant, mr. tessa.

My name is brandon tessa again. You know, I can respect the side of the opposition, and I can't stress it strongly enough that our project is not what is between i-35 and congress on sixth street. The design of our project is not even close to that. The concept in which we intend to offer our business is not close to that. , In fact, we're offering food. It's a small site, it's land lock. I think it's unfair for the opposition to make assertions that we should take on additional financial risk because I don't -- I'm a small guy. I had to raise all this money to get this project off the ground, to say, he should buy the neighbor's property and build a vertical mixed use project on this site, I don't think is very fair to a private property owner. As I talked about it before, the particular zoning of this site is td corridor mixed use, which is not in the plan for vertical mixed use towers. It's the most liberal of the zoning districts. The block to the east of us is the beginning of tod mixed use, which is again, I'll repeat, this is from the actual code boc, tod mixed use is subject to the east is the highest level development in the to definitely. Ideally a mix of ground floor commercial or other active uses with residential, commercial and/or office uses to the upper floor. That's exactly what they're saying they want on this site and that's exactly what is going to be happening, moving forward in the future. As all these projects come to fruition, such as corazon, the developers of that project have always been in talks with a small grocer who intends to do an on yoash gri store. There's a coffee shop independent us as well as office space. We're intending to do a restaurant but our restaurant concept doesn't fit within the codes that are set up. It fits within the regulations of the zoning district, but it doesn't fit within a 51% code because we're two businesses operated by two separate entities operating on the same location, which is in line with having mixed use on-site. It's two businesses operating on one tiny underutilized site. I've also talked to the neighbors across the street and behind and the one that the testimony has just been read from, and she also signed a letter of support for me when I talked to her and I showed her pictures and plans and described the project to her, and I think that it -- it becomes a little bit hard to say when two people approach the same person, I explained exactly what was going to happen, and the opposition approached her and explained something like a cocktail lounge, which is not something we're proposed for this particular site and might confuse certain people. But I've gone and talked to all my neighbors and all the neighbors that are blocks and blocks away and I've submitted their signatures for support. As far as the single-family house to the east of us, behind the antique store, I've also talked to that renter and there's a signature support in there too. So I understand -- i understand that this is -- this is a tricky situation and that you don't want to duplicate what's between congress and sixth street, but the natural lay of the land, the size of the lot -- your time has expired. Thank you. Council member tovo?

I have a quick question. I want to be sure i understood you correctly. Did you say you spoke with the same woman whose letter was read?

Yes, if you open the major, the first first one, mini. There's a phone number and address on there coffee coffee thank you very much for that information. Would you mind talking a little bit about why you feel, based on -- I'm not as familiar with the discussion about the neighborhood pub concept, you know, as it is at this point, which is, i think, in the very early stages, but would you mind just sharing some information with us about why you feel based on you know, what that early concept is, why your establishment might fall into that category?

Yes, ma'am. The conversation that happened on september 20, commissioner sullivan had susan bens as well as lori to let us know this was about to happen. What was discussed at the meeting was there are several smaller sites in this area. There's a lot of full city blocks in this area, but there's a few smaller sites such as mine. These are privately owned and you can expect to put regulations -- they have to sell to their neighbor and, you know, form one bigger site to develop a vertical mixed use project. So what the conversation revolved around is coming up with a mid use zoning, instead of having to sell 51% you would sell 21% food in relation to your alcohol sales. You would also be limited in size so there's not these \$6,000 mega club clubs. That's not what we're talking about. It's a smaller site -- smaller building on a small site. And that's what I had told commissioner sullivan that i would be

more than happy to support, and I also offered it to the neighborhood planning team. I would -- I even offered to put some sort of restriction on our certificate of occupancy that we wouldn't be able to be issued a certificate of occupancy unless we had a grease trap installed. In we go to that expense, we have the asset on that site, why wouldn't we lease it out to our chef partner so we can do what we said we would do. I also would be willing to pledge \$25,000 over five years so we can become this lorri was discussing because we need arts and public places in public things to become an arts district, naturally. I just don't think that my putting a blanket policy on cocktail lounges and not listening to the mayor, to each -- to each individual cases, it's stunting creativity because not everybody's project will fit into a 51% envelope, and if they're going to make the investment, they should feel comfortable that they're going to be able to succeed, and the city should want to back success and not put people in a position where all of a sudden we invest into the east sixth street area, we build a beautiful building designed by a world-class architect and then we get shut down and we, you know, lost to tap into investors and nobody is successful. It just doesn't seem to help. And I want to come up with a solution that we can work together, and I would be willing to have certain risks on our -- restrictions on our cocktail lounge permit.

Tovo: thanks. that concludes the public hearing portion, and we're open for comment or a motion with regard to the appeal. Anyone? Council member morrison. I wonder if i could ask staff to just give us a status. I don't know if it would be you, george, or someone from zoning, on the planning commission, conversation about this new use that they might be talking about?

Jerry russell, planning and development review. There was a [inaudible] placed on the subcommittee meeting this past tuesday night. We posted it as a temporary prohibition of cocktail LOUNGES WITHIN TODs AS Well as a prohibition of outside parking for cocktail lounges. I was not at that meeting. A member of my staff was, so I'm not familiar with exactly how the discussion went. I just know that we posted an item, and obviously a conversation went beyond just a temporary prohibition. It went into more detail. So I'm sorry -- no, that's okay. But you said part of what was posted was no off-site parking?

Yes, to not allow off-site parking for cocktail lounges. and what's the rationale about off-site parking just in general?

Just in general that it's not uncommon to have sites that were built prior to existing codes, and so we have, you know, across the city buildings today that don't have any on-site parking or have a very small amount of on-site parking and people want to reuse those sites. And so the code allows them to find another property within a thousand feet and to lease spaces from that property owner to serve the older building. so I gather the reason that the idea of no off-site parking was because that was considered to be -- have an impact on the surrounding area?

Yes, that's why.

Morrison: okay. Council I, need a motion on this item. Council member spelman? I'm not ready for a motion but I'm ready to cause jerry to do more work and come all the way back and answer a question. Exactly, I was waiting. There's a notation in the review sheet that this site is the capital view corridor. I wonder if you could speak to what you think so far as we can tell what the height limits are on this site? zap mr. [inaudible] on that. Council member, I don't have the exact number, but my understanding is it was in excess of what is actually allowed in the tod. The tod allows 60 feet. so the capital view corridor they can go beyond 60 feet --

no, they could not go beyond 60 feet --

[inaudible] constraint to the tod.

Yes.

Spelman: got it. While you're here, I'm not as familiar as perhaps I should be on the meeting of tod mp and the distinction between the area immediately around the station and the area surrounding the station. With respect to our expectations for density and use. The neighborhood has been talking about vertical mixed use as being their intention, and I wondered whether that is consistent with tod np in this area.

There are several subdistricts within the tod, and this particular site and the off-site parking is within a district that does not require mixed use. It allows it, but it does not require it. The -- another part of the district, one of the other subdistricts, does actually set forth a minimum height, requires two-story structures, I believe, and requires more intense development, but that is not -- this property is not within that subdistrict. It either requires vertical use, within a quarter mile of the station?

It is the area closer to the station. closer to the station. And as you go further out from the station you get several different subdistricts and this particular subdistrict allows vmu, does not require vmu?

Right.

Spelman: okay. Thanks. council member tovo? zapalac, one more quick question. I'm sorry, I think either rusthoven have already covered this point but I want to clarify. Is cocktail lounge a PERMITTED USE IN TODs OR Conditional? I was under the impression it was conditional but I'm looking at the posting plan for the planning commission and it talks about being a permitted use.

No, it is a conditional use. Sorry if that was not clear. oh, no, I'm just looking at the posting language on the codes and ordinance and it talks about the temporary suspension of cocktail lounge as a permitted use in a transit oriented development, so I thought they meant as a conditional use.

Yes, that -- what the codes and ordinances committee did was to initiate the amendment on tuesday night and so they have not really formulated what they want to put in that amendment at this time. so they vote to do initiate that?

Yes. and did they also vote to initiate the off sit off-site parking?

That's my understanding. I unfortunately had another meeting and was not able to attend at the time.

Tovo: okay. Thanks.

I have another question. council member spelman. george, it's good for you not to have walked away. testa mentioned in part of his original remarks that the site of the old casino lounge was no longer going to be a kokel tate lounge for whatever reason, and therefore if we gave him permission to put a cocktail lounge on this site, there would be no net increases in sites that would be places to put cocktail lounges. Are you familiar with that argument or have you not heard that?

There was? Discussion about that. It is not a condition of approval or it's not -- it's not a requirement at this time. That might be a private arrange.

Spelman: okay. If that were true, from your point of view is the assertion that he made that there is no net increase because the casino lounge site for whatever reason cannot be used as a cocktail lounge. Is that accurate or would some other thing have to happen for that to be true?

If that site -- that site last -- and I believe that site is on east sixth street, within a block or so of this -- I'm

not sure exactly where that site is, but if it has the same -- if it has similar zoning, it would -- they would still be able to put a conditional use -- put a cocktail lounge in there with a conditional use permit. sir -- can't speak from the gallery. If council member spelman wants to ask you a question, he certainly can.

Spelman: he will. we have to have it on the record. That's the re for that. Council member spelman -- I would like to ask him.

That particular parcel of land is tod mixed use in the district that's required vertical mixed use projects.

Spelman: okay. So what bearing does that have then on the likelihood of a cocktail lounge being located there?

Well, the problem is building a single cocktail lounge as not being a part of a vertical project, as sabino and some other people said they did not have a problem with. This particular site is already being planned as corazon. That's going to be a vertical mixed use project. Therefore, they are currently planning it and i would imagine they would be moving forward building a tower and not a single-story cocktail unit. true, but they could put a cocktail lounge on the ground floor and then place on ethat's part of the whole vm u-connn sept that stuff that happens on the first -- concept is that stuff that happens on the first floor could happen on the higher floors. And if your argument is there is no net increase in cocktail lounges in the area, that's making the assumption the corazon is not and won't ever put a cocktail lounge on the ground floor or anywhere else in the vmu on their project.

My assumption would be that that particular parcel of land which is one of many that would create the corazon, the permit would be grant granted to that particular parcel, not the entire site. If they rezone the site and make it into mixed use, regardless they would have to come back and file for a conditional use permit, which would then create a new situation where a hearing could say, do we issue another one or do we stick with the net zero that was created. This would be because, you know, if -- unless they're in that exact same location, if they're changing the use. george, what do you think of that?

I think that is correct. It would still be a conditional use, and if someone attempted to build a new facility there, they would have to meet all of the standards of that subdistrict, and it does require vertical mixed use. on the other hand, whoever is developing corason could come back and ask permission to put a cocktail lounge in there and we could say yes. We're not talking about a net reduction in the number of places a cocktail place could go.

It's up to you. You do have that decision. we could rezone all of sixth street to b cs-1, I don't think we'd ever do that.

You already did. same thing applies to you, lori.

Spelman: thank you, lori. [Inaud [inaud ible] here. that would require additional action on the part of the city council, and this is the automatic -- there's nothing automatic about [inaudible] suggesting?

Yes.

Spelman: okay. Thanks. so, council, the floor is open for action. If there's no motion proposed, the item would be considered to be denied. Council member riley. I move to close the public hearing and deny the motion. [Applause] council member riley moves to close the public hearing and deny the appeal. Secked by council member spelman. Further comment? yeah, I would like to just -- go ahead. yeah, I think testa is very well intendedded here and i salute his entrepreneurial effort to start a small business and I know there are many places where that effort would be embraced, but this is a particularly challenging site. This is a site that has been the subject of a lot of attention and a lot of planning for many years. And those efforts have engaged the neighborhood and a number of stakeholders. It has

been truly a community effort that has envisioned a dense, mixed use redevelopment, and that part of it is particularly significant in that it would be a gateway to the whole corridor east of i-35. What we have seen in our experiences and on -- on the other side of the freeway, frankly, on 6th between congress and 35, on west 6th and in the rainy neighborhood, is that cocktail lounges can have a particular -- have a particularly troublesome effect in regard to maintaining a healthy mix of uses on a street, you know, on east sixth street between 6th and i-35, that balance has gotten so far out of whack that it really is a difficult place for people to live, and it's -- and we're seeing that same pattern emerge on west 6th. On rainy there were intense redevelopments and those plans are being called into question because really the proliferation of bars that are creating issues in the short-term and are disrupting the long-term plans to the site. The standard before us on the site in question is whether this conditional -- whether this use would more adversely affect an adjoining site than would a permitted use. In my view, based on the experiences we've seen elsewhere, this use would actually have a clearly -- more adverse effect than permitted uses. That is what we have seen elsewhere, and that's what the neighborhood -- that's what the neighbors who have spoken today are telling us we would see, that there are particular adverse effects associated with this one-story single-use with off-site parking than we would with permitted uses. And so based on the standard that we have to apply, I think that this is -- that the planning commission actually reached the right result, although they had difficulty with it. They reached the right result in not recommending the -- in not recommending the approval of this application. So I support denial of the appeal. further discussion? Council member martinez. yeah, just briefly. I think council member riley pretty much summed it up from what I could tell. In rainy, his point is true, in rainy street we don't have the tools to have this conversation. We thought we had a vision for rainy street. We zoned it cbd and we thought, hey, it's going to go up, it's going to be great. Well some of that has happened, but the majority of rainy, they've taken advantage of cbd and turned it into a [inaudible] district now. I've been down there and I hang out down there and it's fun, but it does create a strain on the neighborhood, the infrastructure, and it creates a lot of living condition issues for the folks on rainy street. In this area on east sixth street we actually have these tools in place to bring this conversation forward so that we can talk about this in full context of what it's doing to the neighborhood, what it can do, what it will do, and so, you know, I like east sixth street as well. Just went to the new restaurant gray's, this past week, wonderful little restaurant. That's the kind of things we need, is a mix of uses as opposed to just this constant proliferation. And now what we see is kind of a gentrification of cocktail lounges going east, because scoot in and dadios and iron gate, those are all been there for years and years, but there's a whole different set of clientele and customer base coming into that area, and I'm not saying I'm opposed to that. I'm just saying we have to use every tool we can here at city council to make sure it's the right approach and that we're not inundating specific areas of our town with just a single type of use. So I'm going to support the denial of the appeal. further comments? Council member tovo?

Tovo: just a quick one. I agree with and won't add to the planning principles articulated by my colleagues, but I do want to test, I think you have exercised some real creativity in this in trying to come up with some solutions to work with your neighbors, and really doing the kind of community outreach to make sure that people in the area were aware of the project and that you were providing them with information. So I hope -- I hope that you find some way to move forward and come up with something, whether it's to avail yourself of a unable pub zoning if that becomes available or to find some other use that works -- works well within the tod design requirements as well as the surrounding neighborhood's goals because it strikes me that you'll be a very responsible business owner and, you know, I think that you've done a lot of work with your neighbors. all in favor of the motion to deny the appeal say aye aye.

Guernsey: aye. opposed say no. Passes on a vote of 7-0. We will try to go through item 87, council. We have a number of -- several speakers signed up. We'll -- go ahead.

Mayor, council, I'm jerry rusthoven with the development and review. C 20, 200114. In may of this year the city council passed a resolution directing the staff to amend title 25 relating to the requirement for tours, garage sales, home occupations and art production and salesment specifically the intent of the resolution was to support the local artists and creative community by allowing the sale of art by the artists from a residence that is taking part in an annual or semiannual art tour. The staff had a meeting

with the code enforcement department, planning department staff, cultural arts department staff, and members of the local arts community. We then took the item to the chosen ordinance subcommittee of the planning commission who recommended wisely that we go to the arts commission. We took the item to the arts commission. I'd also like to note that in the council resolution the council suggested in the resolution that a homeowner be allowed to conduct a garage sale four days a year and take part in an arts tour six days a year. Bringing this item to the arts commission, the arts commission recommended approval but they had several suggested changes. They suggested that we drop the discussion of arts sale entirely or, if necessary, that we discuss it as a separate item within the code. That the number of days permitted per year that an artist may sell art as part of a tour be capped added from the council resolution of 6 and [inaudible] up to 12, that up to 6 artists be permitted to sell art from the same property with the primary artists and the advertised art tour not be considered a prohibition of home as [inaudible]. We took it to the full planning commission and on september 13, a unanimous vote, they recommended that we adopt the recommendations of the arts commission with two exceptions. One, that they were okay with the provision of the garage sales as recommended by the city council, but they recommended in the ordinance in front of -- and the ordinance in front of you addresses that in a separate section of the code, and they also agreed with the staff recommendation that to qualify for a -- as a tour for the purposes of this ordinance, the tour organizer be required to notify the cultural arts division of the city of austin with the dates and addresses participating in the tour so that we can keep track of them. With the staff recommendation we concur with the planning commission's recommendation with one exception, and that is that the -- the code enforcement department -- I'm I'm sorry, code compliance department, specifically recommended that we restrict the number of garage sale days to two. Quite frankly, the city code does not address garage sales right now. We have traditionally had a practice of allowing people to do up to two a year without citing them. That comes from state code. State law allows someone to do a garage sale twice a year and not have to pay sales tax, providing they are selling secondhand items. So code enforcement was a little bit of a concern that if we did four days, that the citizens would not know that on two of those days they didn't have to report the sales tax and on two of the days they did. So their suggestion was that we stick with the two days. The discussion at the planning commission -- there was some discussion between the -- with members of the neighborhoods, and so they suggested that we have a follow-up meeting after the planning commission vote between the neighborhood and the folks who are putting on the tours, so we did -- we had a meeting with the members of the cultural arts division staff, members of the creative arts alliance as well as members of the east austin studio tours, had a meeting with the -- a meeting with the planning department staff and they came to some recommendations that they would like to add that are actually not in the ordinance in front of you but they are on separate yellow paper, and these were some additional recommendations that everybody agreed upon post-planning commission and I'll read them to you. There's just three of them. One is that a tour take place on not more than six days per calendar year. The other -- calendar year. The other is that a residential property may not participate in more than three tours per calendar year and may not participate in a tour that lasts more than three days per week. So this is, like I said, after the planning commission discussion, but again has been agreed to by both the members of the arts community, the staff and concerned neighbors. So with that I'm available for any questions. Questions of staff? Council member tovo. rusthoven, assuming based on the numbers that a tour that extends over two weekends equals one tour of the three?

Yes.

Tovo: okay. That's the only way the 12 worked, given the other two -- given -- I wanted to double-check.

We had to redo the math but it was a little tricky. [Inaudible] spreads out. It's one tour if it spreads out over --

two weeks. Okay. And so you could have okay, 3-2 weekend tours and still comply with parts b and c. So if you could help me understand -- where you landed on the garage sale. It looks like in the ordinance we've got the before us it looks like it's four days.

Yes, the -- the planning commission recommend basically the same thing that was in the original council resolution, to go ahead and do the four days. They agreed with the artists. There was some discussion, a little bit musing about not -- amusing about not mixing the two, art is not secondhand items and what not. The planning commission, main concern was that we not include these two things in the same paragraph of the city code, but they kind of have separate headers, if you will. So they left the number at 4. It's the code compliance folks that are recommending we take it down to two. That's a staff commission recommendation, not planning commission.

Tovo: I see. So the ordinance we have before us -- well, we have an ordinance and then we have these edits, and we also have an additional recommendation that the four in the draft ordinance be reduced to two for garage sales.

That's correct. and is the main rationale for reducing it is number of days for a garage sale just the confusion about paying state sales tax?

Yes, it's the fact that, you know, we have traditionally allowed two, and the reason for that is because state sales tax is not required on those two days.

But there weren't any other concerns from the community that arose about 4 garage sales a years being a big impact. Strictly the sales tax.

No, people would have to know on two days they owe taxes. That's all.

Tovo: thanks. And my last question, was there any discussion in any of the stakeholder groups or at any of the commissions about -- I noticed that one of the additions, part d, would be to include more than six -- to allow for more than six guest artists to be of -- excuse me, to allow six or fewer guest artists to be part of that tour. Was there any discussion about including language that would encourage or require a certain number of those artists to be austin-based artists?

No, we did not have that discussion. But we were told by members who participate in the art -- artists who participate in the is it's not uncommon for an artist to have at his house, mainly be selling his or her own work but to know someone who sells art somewhat complementary to that, a friend or acquaintance, and to include that in the showing in the tour, but no, we did not discuss the geographic location of those artists.

Tovo: thanks. And if you could just explain for me, what is the rationale for disallowing, probably -- just fine, but what is the rationale for excluding garage sales from the tour?

There was not --

tovo: this is in e.

There was just a concern -- well, there was a concern, I think, that somebody would try to have another tour by calling it a garage sale, so that they would try to exceed the number of allowable tours by just saying, well, those first three are tours, now these others are garage sales.

Tovo: okay. Thanks. I like garage sales. I just want to make sure they're getting their fair hearing. we do have several folks signed up to speak. So we'll go to those. Signed up in favor, shay little. Shay little. After shay will be philippe klein felter.

Thank you for your time. I want to introduce myself as shay little, the director of the [inaudible] and i wanted to voice my support for all of the ordinance changes, and just proud to have this happen and

make it possible for the tours to continue. So thank you.

Mayor Jefferingwell: sure. Council member Toaf office has a question for you. I have a quick question for you. Just to get back to the question I asked Rusthoven, would there be any worries from your perspective of placing some kind of limitations or at least encouragement to make -- for a certain number of those six guest artists to be from the Austin area, based on your experience with your tour?

It depends on the limitation. I -- the guest artist component really allows for diversity and a unique flavor to each individual tour, and it also opens the doors to national/international artists, if it were to develop into that kind of program. So I would hate to say that we had to have four out of six of the artists be from Austin, but if that was something that felt like it was necessary, we're open to it. I have never really done numbers on that to see, but for the most part they do seem like they're Austin-based. I'm sorry, what was the last thing you said? For the most part seems like they're Austin-based?

Yes, very rarely heard of artist -- rarely Dallas or Houston different studio setting up. But that's very rare. It's usually mostly Austin-based.

Tovo: okay. Thank you. Council member Martinez. One more question. Sorry, I didn't mean to speak up when Council member Toaf office was talking to -- Tovo was talking to you, is that something you'd be willing to do, maybe we wouldn't add that today but why don't we monitor that to do to see if that truly is an issue. There's no need to try to solve something if it's not an issue.

I agree. And we've been asked by the neighborhood organizations to try to get some better numbers on the tour goes, and that's something that we have a hard time getting a grasp on because it's 150 locations all over East Austin, and you can't really measure the number of people who come, but we'd be glad to, you know, share our numbers and address that later if need be.

Martinez: thank you. Philip Philip Kleinelter?

Good afternoon. Thank you for letting me speak. I am in favor of the changes that have been proposed. I think for artists this is very important. Currently there seems to be a momentum for artist in tour. Artists are seeing a way to perpetuate their professional lives interest their own neighborhood as well as a way to sell directly their art without the expensive and not always accessible gallery venues. We would also like to see open [inaudible] and tours become an integral part of the city so that younger artists could be nurtured in a society where priorities are less and less involved with those of artistic talent. Thank you. Thank you. Nancy Holen is also signed up for, willing to answer questions. Have one speaker signed up opposed, against, is Clay DeFoe.

Hello, I'm Marcy Cohen.

I'm sorry, you were signed up not wishing --

just to answer questions if anyone has them for me. I'm the director for the Austin Creative Alliance. We've been involved in the process of the discussion. Does anyone have any questions? I assume if anybody didn't ask a question, then they don't have any.

Thank you. All right. Clay DeFoe. Three minutes.

Someone left their pad up here. Do you want to grab it? Good afternoon, Council, citizens. Thank you for coming. I've been doing this for a while now and it's good to see some people in the seats. It's refreshing. Let's read the ordinance really quickly. Let's know specifically what this does. I didn't even hear a word about art festival in this whole idea by the idea. Some of the backup stuff has it but it says conduct a public hearing to consider an ordinance amending Chapter 25-2 of the City Code to establish

requirements for residential tours and garage sales and to clarify requirements for art production on residential property. Now, the backup item, the ordinance/amendment review sheet says the number of permitted days of a garage sale which you can hold in the city of austin per year be reduced from four to two. Now, I don't know if any austin city council members ever go to garage sales at all or happen to buy used furnish, used goods from garage sales, it might be, you know, a little, you know, lower -- lower class, I don't know. I would be considered in that because I love garage sales. My parents where I grew up in dallas, texas instilled at a young age in me a love for garage sales. You can fin the coolest stuff at garage sales. And for cheap too. And usually most garage sales, when my family did a garage sale in dallas, texas about seven or eight years ago before I moved to austin, yeah, we had a whole weekend set up, and it was three days in a row of garage sales, and we kept selling and selling and selling. I don't remember the exact figures but we made a lot of money. It was fun and we got to meet people in our community. I think garage sales are a positive thing. That's the free market at work. There's no taxes. It's all underground. That's what I like, you know? I mean, call it the black market if you will, but hey, that's what people like. Where I used to live in communist prague, czech republic, formerly check slovakia. There was no market. Even though it was illegal, due to the market the real market was screwed up by all the social controls and policies, that the black market was strong, and i don't think you're going to be able to go to everybody's house and say what are you selling in are you selling at a garage sale in I think this item be will be unenforceable. Why do you reduce it to two days being one weekend per year? I don't think that's fostering a healthy social environment in austin. I don't think that's fostering a healthy economic environment. We need to say no. And I'm all for residents a and for us to have art fairs but why does the city need to do this? Why can't we do it as individuals? I'll be happy to have any of you over, show you art i created and see if you'll buy it from me, I'm sure it's not very good, I'm not an artist. Anyway, I hope you will not accept this resolution. I think it's dangerous. I think we need to respect the artists and to let them sell their art whenever they want. Please vote no. Thank you.

Mayor leffingwell: okay. Though are all the speakers we have signed up. Council member martinez? Council member martinez moves to close the public hearing and approve the ordinance on all three readings. Second by the mayor pro tem.

Mayor, if I could get clarification, does that include the clarificati I love garage sales and I have furniture all over my house that came to garage sales, but I don't like my neighbors that have them ever single weekend.

Mayor leffingwell: okay. We understand that. Any further comments? Council member tovo.

Tovo: just a quick one. A comment and a clarification. Are you also including within your motion the four to two or keeping it at four as it's currently written in the ordinance? the items that you were asking about, jerry, did it change that number?

No, it did not. The planning commission recommended four. The staff recommended two. Right now the ordinance says four.

Martinez: that's fine. and then I would just comment that I do think the question of how many of the artists who participate on tours are from the austin area is worthy of continued study and consideration. You know, there is an impact of these tours on surrounding neighbors, and i think that they are of great value to our community, but I do want to be sure that austin artists are primarily the ones benefiting, because if we're holding them in our neighborhoods there should be a good reason for that locale and in my opinion it should be to promote our austin-based artists. Thanks. mayor, if i could? Council member martinez. I want to add for me on this issue, another issue moving forward that we need to monitor closely is the impact on things like neighborhood traffic and congestion during these events. You know, if you live on a street that has a closed dead end and you happen to have one of these shows that is really popular, you could have 50 to 100 cars coming into the neighborhood. And I just want us to be aware of that, and I know we are. Council member tovo brought that issue up with our office and I agree it's something we need to stay on top of to make sure we're not having some unintended consequences

in the neighborhoods during the events. okay me okayme nt council, looks like we've run out of time and we'll have to come back after our break to -- I'm just kidding. [Laughter] all in favor of the motion say aye.

Aye.

Mayor Leffingwell: aye. Opposed say no. 57600

Mayor Leffingwell: If i could have your attention, if I could have your attention, please, it's time for live music at austin city council. There's still a few of you who I guess didn't hear. That it's time for live music. [Laughter] okay. It's my pleasure to welcome shanice mckissick to sing for us tonight. She is a native austinite, one of the three or four of us that are still around. She's been demonstrating her remarkable singing abilities since the age of three. In 2008 she joined the shining stars program where she has been continuing to develop her vocal talent. She's performed at the daugherty arts center, been in musical stage plays in austin, including playing the lead in high school musical and also appearing in when the soul aches. She's one of the finalists, 2009 fight for our life health tour and winner of youth cast 2010. Please help me welcome shanice mckissick. [Applause] ♪♪♪ [applause]

Mayor Leffingwell: I felt for a minute areeth that franklin was singing to us. How about that? Very nice. [Applause] so just to promote yourself a bit, do you have a website? Youo? First.

My web night is shanice-bio.com.

And do you have any performances scheduled in the near future?

[Inaudible]

Mayor Leffingwell: If people want to hear more of you can they buy your music or get more of it.

You can go to my website or get it on there. Right now I don't have anything to promote, but on my website you can go to.

Mayor Leffingwell: Okay. On the way up.

Yes.

Mayor Leffingwell: All right. [Applause]

Mayor Leffingwell: I have a proclamation that says be it known that whereas the city of austin, blessed with many creative musicians whose talent extends to virtually every musical genre and whereas our music scene thrives because austin audiences support good music produced by legends, local favorites and newcomers alike and whereas we're pleased to showcase and support our local artist, now therefore i, lee leffingwell, mayor of the city of austin, live music capitol of the world, do here by proclaim SEPTEMBER 22nd, 2011 AS Shanice mckissick day in austin, texas. Congratulations. [Applause]

Mayor Leffingwell: Is kent butler's family here? Would you like to come down? Earlier today the city council unanimously approved a resolution to name a park of the balcones preserve in honor of kent butler. And of course, those of you who know kent know that he was in on the very beginnings of the balcones canyon lands conservation project, and helped to make it go. And it was one of his projects throughout his career following that. And I might add that it turned out to be a very successful program. The balcones canyonlands preservation project is known around this nation as a model for open space preservation and habitat protection. We're very proud of the balcones project and we're very proud of

kent butler. Tragically in an accident he lost his life recently. And for that we are all very sorry and extend our deepest sympathy to the members of his family. I know it's very tough on you. At the same time we want to remember, help austin remember his contribution to our city and our community. And so we renamed this tract of balcones habitat in honor of him. And it will be henceforth known as the kent butler tract. So accordingly I want to read this proclamation in his honor. Be it known that whereas kent butler was an associate dean of the community and regional planning program at school of architecture and environmental science in the community and regional planning efforts and whereas citizens are particularly indebted to kent butler for his vision and commitment to regional planning, environmental conservation and to protecting the endangered species of central texas, and whereas with kent butler's passing in may 2011 we lost a strong component of -- a strong opponent of environmental protection who helped establish the balcones canyon lands conservation plan. The bccp has become a national model for endangered species, habitat preservation encompassing now more than 29,000 acres. Now therefore i, lee leffingwell, the mayor of the city of austin, do here by recognize and appreciate kent butler's lasting contributions to the quality of life in central texas and do here by rename the ivan o'tract within the bcp as the kent butler ecological preserve in austin, texas. Thank you very much. And would you like to say a couple of words? [Applause]

thank you so much. Several days after kent died, I was sitting at the table and my -- his brother was with our family, we were all heartbroken and trying to work through our grief by thinking about ways that we could memorialize kent and his work. And we were talking about scholarships and internships and contests and papers, and our daughter emily said that he was great with these academics sorts of things, but that she would like to see a nature preserve named for her dad. So that sort of stopped our conversation partly because it seemed like a daunting task, and partly because it seemed so perfect. Since that time the school of architecture we've established a memorial fund, the barton springs aquifer district has an internship named in kent's honor. The global and social change film festival has a scholarship in kent's honor. There's talk of the kent butler foundation for water conservation. I just came from meeting with the schup tore who is making a beautiful bench that will be dedicated. And I am so truly grateful for all the tributes, but i don't think any touched me more than this. The bcp was kent's proudest achievement, and it best reflects the best parts of kent, his love of nature, the incredible gift he had for mediating difficult conversations, and his limitless capacity to come up with creative solutions. One of the things that's so touching about all of this to me is how easily it came to be. When emily first suggested it, I think that we all felt like that's a great idea, but I don't know how it will happen. The truth is we didn't have to do anything. The city was moving forward. Mayor leffingwell and the city council is moving forward with this initiative before we -- almost before we knew what was happening, which I think is a testament to how well our local government reflects the generous spirit of our city. And it's a testament to kent who had done the work to earn this honor. He was an environmentalist who really put his must -- his muscle, his heart and mind into what he was doing and he was a citizen who was never just a bystander. He was a participant. And he was never just a voter.

Although one of the last things he said to me on may 12th to yosemite was don't forget to vote. [Laughter] i want to thank mayor leffingwell and the city council from the bottom of my heart on behalf of my family, my sons josh and nick who are here with me today, and our daughters lana and emily who couldn't be here, kent's brother bruce and his sister lynn, this is just a profound honor we're so grateful for. And I hope that these honors bestowed on kent inspire another -- I know they inspire me and I hope they inspire all of us to follow in his footsteps as environmentalists and citizens. Thank you. [Applause]

Mayor Leffingwell: Folks, our next proclamation has to do with one of austin's most important historical sites, the elizabeth ney museum, which is in the hyde park neighborhood just off 45th street in austin, texas. Everyone on council i'm sure knows a lot about this museum because we've had so many discussions on exactly how it's going to be preserved. And there has not been always 100% agreement on all the details, but everyone recognized the value and wants to do the absolute best job we possibly can. This museum is not only a symbol of our heritage, but it's also the tourists, the people who come to austin to visit and tour austin, this is one of their favorite sites. So it has an economic value to us as well as a cultural value. And we want to make sure that we do the best possible job we can to make sure that it stays that way for a long period to come. So i'm going to read this proclamation, which is be it

known that whereas a century ago international portrait sculptor elizabeth ney, former american studio was made a museum to preserve its memory and to cultivate her ideals for the people of the state of texas. And whereas the elizabeth ney museum is one of the top five historic sites in austin and has hosted millions of visitors from across the state, the nation and around the world during its 100 year history. And whereas the museum's programs have been recognized for excellence by the texas historic commission, the texas commission on the arts and the texas alliance for education and the arts. And whereas elizabeth ney believed in the importance of art, history and nature in nurturing human potential. To this day her museum continues to provide meaningful experiences to educate, enrich and uplift the human heart. Now therefore i, lee leffingwell, mayor of the city of austin, texas do here by proclaim the year 2011 as the 100th anniversary of the elizabeth ney museum in austin, texas. Congratulations. Laura esparza is going to say a few words about the museum. [Applause]

thank you, mayor. On behalf of our curator mary collins blackman who is here tonight and assistant director kimberly mcneely, we want to thank you for this proclamation on a very important anniversary date. We want to invite all of you to visit the museum this museum day, coming sunday between noon and 5:00. We'll be having festivities there, lemonade, i understand. Come on out and check out this wonderful treasure that is within our very familiar austin neighborhood in hyde park. Please come on by. Thank you. [Applause]

Mayor Leffingwell: This proclamation is in honor of childhood cancer awareness month. And of course, this is something that we all want to make sure that we promote awareness of childhood cancer so that it can be treated at the earliest possible date. And we have folks here that can show us what can be done to the event if you get to it in time and the proper treatments can be administered. I have this proclamation to be it known that whereas childhood cancer is the number one disease killer and second leading cause of death for children aside from accidents. And whereas on any given school day approximately 46 young people are diagnosed with cancer totaling more than 12,500 children diagnosed each year. And whereas every year more than 2,500 children under the age of 20, our most precious resource and the treasures of our hearts, lose their lives to cancer. Now therefore i, lee leffingwell, mayor of the city of austin, texas do here by proclaim september 2011 as national childhood cancer awareness month in austin, texas. So with that I would like to invite you up and say a few words if you would like about your program. sharon lockhart and i'm the clinical research director at dell children's hospital cancer program. And cancer is a very significant medical problem in our community. We have over 200 kids undergoing cancer treatment everyday in our clinics. While there's been many strides made in the treatment of cancer over the last 50 years, there still are children dying of cancer on a regular basis, one to two kids in every five who are diagnosed will still die of cancer. So research, awareness, learning better treatments is very, very important. And these two young men are examples of people who have benefitted from our gains and knowledge in cancer. They're both survivors and very remarkable young men. So they're here to accept this award. [Applause]

my name is david peach and i'm 17 years old. When I was four I was diagnosed with a cancerous brain tumor. I am now a 10-year cancer survivor. I bet everyone in this room knows someone -- knows a child with cancer. If you don't, you do now. At the age of four I began to have severe headaches and nausea. My parents took me to the doctor and we're told I had a virus. You see, my type of cancer doesn't show up in the bloodstream, so the test came back negative. A week later I was falling down, running into walls, and I had no control over my left eye movement. I went to see my pediatrician and she told me to go to children's hospital at brackenridge to get a lumbar puncture. I had a cat scan instead and the doctors discovered a large tumor on my brain stem. Before they could even get a better look at the tumor i had a shunt put in my head to alleviate pressure on my brain. The very next day I had eight hours of surgery during which the doctors removed a walnut size tumor on my brain and four small tumors at the base of my neck. After the surgery I lost all use of my right side. I could not walk or do much of anything for myself. I had to have several weeks of occupational and physical therapy to be able to walk and ride again. I also had six and a half weeks of total cranial and spinal radiation and 14 months of chemotherapy. I was later told that if we had gone to the hospital any later than we did, I might not even be here today. It is a very fast growing cancerous tumor. I had to go through what no one should have to go through at that age. I'm one of the lucky ones. It's estimated that 10,700 children

will be dagd with cancer this year. That's 36 children a day and seven of those don't survive. Please help us to find a cure for this horrible disease. I want to thank mayor leffingwell for making this proclamation. I also want to thank all of the wonderful doctors and nurses that help children battle their cancer. Lastly, I want to invite everyone to the cure search walk to cure childhood cancer. It costs \$10 and goes to finding a cure for childhood cancer. It will be at mueller lake park, which is next to dell children's hospital. If you can't make it, you can always donate at yoursearchwalk.org/austin. Thank you mayor leffingwell for attending the walk this year. Thank you and goodnight. [Applause]

Mayor Leffingwell: We're here tonight to talk about national night out. This is a night when anyone in austin can come out and party with chief art acevedo. [Laughter] and really it's a night to promote crime awareness, crime prevention, how neighborhoods can get together and help each other by sticking together and by watching and by reporting. And by taking a very simple measure like locking your house when you go red hot tips like that from chief acevedo. He has a lot of good information. I'm going to be a part of it. I think most of the council is going to be a part of national night out. We'll start-- I think we start at mueller airport and the party will progress. It's kind of a moving party. And you can try to make them all or try to make a few, depending on how strong you are that night. I want to read this proclamation in honor of national night out because it's very important to our city and to our community and to the people that live here. Be it known that whereas national night out is a nationwide program designed to heighten crime awareness, increase participation in local anti-crime programs, strengthen neighborhood spirit and police community partnerships and send a message to criminals that neighborhoods are organized and fighting back. And whereas the austin police department plays a vital role in establishing joint crime and drug prevention efforts and encourages citizens to attend national night out events to get to know one another and learn how they can reduce crime and drug abuse in their neighborhoods. And whereas we join with and the travis county sheriff's office and other law enforcement agencies and local business sponsors in supporting the 28th annual national night out. Now therefore i, lee leffingwell, mayor of the city of austin, texas do here by proclaim october fourth, 2011 as national night out in austin, texas. Congratulations, guys. Thanks for doing this important work. [Applause] now, retired police officer, joe munoz -- sergeant, lieutenant, captain? Officer. All right. We'll get these things right. He has been absent since his retirement working on special projects like this and I understand you're in charge of the program. So would you like to say a couple of words?

Just a couple. Just a couple. Good afternoon, I just want to reiterate what the mayor said. It is a community event where police and the community come together, but most importantly austin is the fourth city in the country, mayor, of cities our size where we stand with other cities. And fourth is really good. Last year we had over 350 parties and we challenged the staff this year and as of yesterday we have something in the area of 467 parties. So we really are -- [applause] through the years -- these are non-alcoholic parties, of course. But I want to thank the city and the staff that comes out and really helps us in this event because it is important that we get the information about crime prevention throughout the city.

Mayor Leffingwell: Chief, did you want to say a couple of words? Set the three minute timer, please. I want to thank apa and the vice-president here, for being here. I'm really proud to be the chief of police of austin, texas because we have a mayor and councilmembers that place a high premium on keeping austin safe and consequently what we have is the fifth sayest city in the country. And we actually count our crimes on a regular basis, so I think we're even better than that. But we couldn't do it without your support and leadership and the support of the council. And again most important in this community. On october fourth, tuesday, remember have your party. If you're not at a party, turn on all your porch lights because we want those lights to be a beacon of hope, a beacon of safety and a message to the criminal element that we stand united in safety and solidarity. Thank you very much. [Applause]

Riley: If you haven't experienced it before you have a great chance this weekend because there will be a lot of magic going on around sixth street in connection with the waller creek festival going -- the pecan street festival going on down there this weekend. I have a proclamation to read to call attention to that and make sure everybody knows about everything that's going on and I'll go ahead and read it right now. It says, be it known that whereas magic and its related arts of puppetry, fireworks, acrobatics and

magic clowning have been performed on the streets of cities as the globe no thousands of years. Whereas to pursue the art of magic and related arts in austin, assembly 206 of the society of american magicians will host a magic side show in conjunction with the pecan street festival on september 24th and 25th, 2011. This weekend. And whereas doc seton's magic side show is in honor of one of the numbers who have supported the group with its insight, energy, resources and vision, now therefore i, lee leffingwell, mayor of the city of austin, texas, do here by rename trinity street between fifth and sixth streets as magic street during the 2011 pecan street festival here in austin. I'm going to present this to the representatives we have here from assembly 206 and call up my friend dan page to say a word and introduce his cohorts and see if we can each -- may even see a trick or two. We'll see what they have up their sleeves.

Thank you. I would like to thank councilmember riley and the city councilmember for their recognition and support of the magic community. It's going to be a really exciting weekend here on magic street at fifth and trinity as part of the much larger pecan street festival. A wonderful attraction of magicians and jugglers and balloonists and many other performance artists. I would like to introduce doc seton, the benefactor of magic street and the doc seton magic side show. And the person that the "austin american-statesman" has often quoted, or maybe he often quotes, as being the second best magician in austin, but actually I like to think of him as what they say as doing his part to keep austin weird. John maverick. [Applause] [inaudible - no mic] [applause] riel rule I see a lot of planning commissioners who have had to wait in the audience and I'm sure many in town are having some sort of ironic pleasure in that. This is something that I've also been looking forward to for a very long time. And it's -- I don't know how many of y'all watch planning commission on tuesday nights, but I know there's some -- I know that there's some of you out there.

A long time fan.

Riley: I started serving on the planning commission back in 2001 and commission back in 2001 and Within just a couple of years after that we were doing all these neighborhood plans. And one neighborhood plan in particular stood out during those first few years as just being unusually progressive and interested in new urban development and mixed use and a lot of folks wanting to walk or bike to destinations. And shortly after that, that one representative from that actually stood out. I remember him speaking on a particularly controversial case in his own neighborhood where there was a proposed use for north lamar that was a lot of the immediate neighbors were very concerned it was going to cause all kinds of problems. But the president of the neighborhood association spoke up and said you know, this may understandably raise concerns in the immediate area, but it meets the needs that the whole city has and we need to step up and take that on and on behalf of the neighborhood he supported it. And if that kind of integrity that I found so impressive. And I had the pleasure within a year or two after that to begin serving with him. It was jay reddy, the president of that neighborhood association. He began serving on the planning commission in 2004 and we served together for the next five years or so. And I can't tell you what a pleasure it was to be serving with him throughout that time. I think the whole city gained enormously from the perspective that jay brought to the planning commission discussions. We had many people will never know the degree to which he has improved the urban environment. For those folks years from thousand who are trying to actually walk on a sidewalk to someplace like the bus station up there by highland mall, you will have jay reddy to thank because of the sidewalk that he fought for so long to get there. And there are similar situations all over this city where there are significant improvements in our urban environment just thanks to this one planning commissioner. So it's our happy occasion tonight to be able to recognize jay for his jiksies, upon having recently left the planning commission. I also want to recognize his whole family here, ingrid and (indiscernible), thank you for being here tonight too. I have an award to read on behalf of the mayor and the whole city council which I'll read now. It's a distinguished service award for his seven-year tenure on the planning commission during which time he served as commission vice-chair and a subcommittee chairperson. Jay reddy is deserving of public acclaim and recognition. An ardent new urbanist, he has supported a compact, walkable, bikable, transit rich city. He worked on more than a dozen neighborhood plans, helped revive the land development code and worked on a capital improvement plan that has produced sidewalks, bike lanes, parks and playgrounds and public safety

facilities. This certificate is issued in acknowledgment and appreciation of his dedicated, fair minded and admirable service this 22nd day of september in the year 2011. We're lucky to have a number of planning commissioners with us to mark this special occasion. Before I call dave up, i want to give -- that's the other commission. You've been serving -- how long?

You have me confused with betty baker.

Riley: That's right. How long has it been that you've been chair of the planning commission?

Five years.

Riley: A five-year chair of the planning commission, dave sullivan.

Thank you very much. When I left the planning commission in 1999, I'm in my second inconsideration now, betty baker, who was the chair at that point, gave me a plaque. So I'm going to return the favor to jay reddy because i think he's the secondmost longest serving person for seven years, although i think mandy has been there for like eight years. Maybe you're the second oldest person. Not the oldest person. [Laughter] anyway, I have a plaque. It says this is a certificate of appreciation presented to jay reddy in recognition of services rendered and his unselfish devotion and commitment to austin's quality of life through active participation in I am newm rabble hours of meetings and hearings and making many difficult decisions while serving on the city council planning commission, thursday, SEPTEMBER 22nd, 2011. And even though I said it was in newm rabble hours, it was very between 102,000 and \$10,000 that he served over seven years. Thank you very much. [Applause]

Riley: Say says he's said enough already in the chambers. Anybody else have anything to say? I want to thank all the other planning commissioners who have been here and all the other comiggers who have -- commissioners who have served so well over the years? Anybody else? Let's take a picture then.

I wasn't really prepared to speak. I'm not sure. You know, I guess the number one thing is thanks for putting up with me. And especially greg. Having to answer all of my questions and educating me in the process. And again, I can't really think of anything else, but thanks for giving me opportunity to be able to do what little that I was able to do in those seven years. [Applause]

Morrison: I'm delighted to be joined here with flannery voc, who serves on our women's commission. She's just new on the women's commission. I'm very grateful for her being willing to serve the women's commission has some exciting things going on, so we wanted to be able to recognize that. And by way of background, in 1962 jfk, president kennedy, signed an executive order that established the first commission on the status of women to advise him on issues all about women, which was really pretty interesting because 1962 was well before the women's movement, which really didn't get any legs for quite some years after that. And in 1975 the city of austin, the council took on a major step bypassing an ordinance to actually create the commission on status of women in austin. And that was spearheaded by councilmember betty humblop. And in 1984 the name changed to the commission for women. And obviously it serves as an advisory board to the council on all sorts of issues about women, the status of women and working to alleviate any inequities that might confront women in the city of austin, whether they be social, economic or other kinds of things. So certainly austin is the home to many, many women who have broken down barriers and really helped women achieve. And the exciting thing that we're seeing now from the women's commission is something new called the austin women's hall of fame. Which is in its inaugural year this year, 2011, and there are going to be two inductees into the hall of fame. One is of course someone that austinites know and love and that's jodi conrad who has added so much to women's sports and broken down barriers and had austin in the national spotlight. bertha means, who I'm not sure if everybody in the city knows her, but if you've ever hung around city hall very much you know her. She's been very active over the years in civil rights movement. It's really made austin also a better place. So we wanted to be able to recognize the new -- the first, its

inaugural inductees and also to thank the women's commission for starting this tradition. And so I have a proclamation to present to the women's commission that says be it known that whereas since 1954 the city of Austin's commission for women has served as an essential advisory body to the city council and the city manager concerning issues affecting women in the Austin area. And whereas this area the commission established the women's hall of fame to recognize annually one or two outstanding women who have made significant contributions to our community. And whereas honorees include those who have helped break through barriers for women, worked to better the lives of women and girls or who have contributed through other forms of public or community service. And whereas we join the Austin women's commission in recognizing and honoring Bertha Means, civil rights activist, and Jody Conradt, former Lady Longhorns coach, as the first inductees into the women's hall of fame. Now therefore I, Lee Leffingwell, mayor of the city of Austin, Texas, do hereby proclaim the year 2011 as the inaugural year for the Austin women's hall of fame in Austin, Texas. So thank you, Flannery. [Applause]

The commission of women is very honored for your support and the support of council. The commission for women will host the first hall of fame event on October 30th at five a.m. at city hall. Councilmember Morrison will be the keynote speaker of the event. At this time I would like to invite the public to join us at this inaugural event in acknowledging the first two Bertha Means and Ms. Jody Conradt. Means and Conradt will be honored for breaking barriers for girls and for their accomplishments in the Austin community. We're grateful for what these two outstanding women have done and look forward to officially honoring them on Friday, September 30th. Thank you. [Applause]
